

FREQUENTLY ASKED QUESTIONS

PROPOSED AGREEMENT FOR WASTEWATER SERVICES BETWEEN THE TOWN OF WINDSOR AND LYTTON RANCHERIA

1. What does the proposed agreement say?

The agreement provides for the extension of Town wastewater services to serve future residential and tribal community uses to be developed on tribal lands. In return, the Town would receive a lump sum payment of twenty-million dollars (\$20,000,000.00) as a onetime connection fee to the Town's wastewater system and to advance a future community benefit project.

2. What will the \$20 million dollars be spent on?

The onetime connection fee of \$20 million dollars would cover costs to improve existing facilities at the Town's wastewater treatment plant, estimated to be approximately \$3.5 million dollars. The remaining funds would be used to advance a future community benefit project or projects, such as a recreational center or community pool, to be determined by the Town Council at a later date.

3. What are the benefits of allowing the Tribe to connect to the Town's wastewater treatment system?

Allowing the Tribe to connect to the Town's wastewater system would eliminate the need for the Tribe to construct its own wastewater treatment plant at the edge of town that the Town would have no control over or ability to enforce on when nuisances arise. Additional benefits include:

- Avoids potentially objectionable odors resulting from the treatment, storage and/or disposal of wastewater that could impact residential neighborhoods within Town limits with prevailing westerly winds blowing odors across the Town.
- Avoids land dispersal (spray) of treated effluent in close proximity to residential neighborhoods within Town limits.
- Avoids potential adverse impacts on drinking water quality resulting from the discharge of wastewater treated on Trust Lands into a drainage that ultimately flows to the gravel pits that are adjacent to the Town's Russian River Well Field.
- Avoids potential adverse impacts on the Mark West Creek/Laguna De Santa Rosa watershed resulting from the discharge of wastewater treated

on Trust Lands into an unnamed tributary located along the eastern boundary of the project site, which flows into Windsor Creek south of the project site that connects to Mark West Creek and ultimately the Russian River.

- Provides equal or better protection of water resources, including both surface water and ground water.
- Ensures opportunities for beneficial re-use of treated wastewater.

4. What development will be allowed by the proposed agreement?

Under the proposed agreement, wastewater services would be provided to serve development of: (a) 361 residential units; (b) 18,809 square foot community center; (c) 2,500 square foot roundhouse; (d) 2,707 square foot retreat; and (e) 60,000 square feet of community/Tribal government buildings.

The project would be constructed in at least two phases. The first phase is currently under construction. There is no set timing for the second phase.

Phase I

- 147 residential units
- 18,809 square foot community center
- 2,500 square foot roundhouse
- 2,707 square foot retreat

Phase II

- 214 residential units
- 60,000 square feet of community and tribal government buildings.

The agreement will not allow provision of services for future development of a resort and/or winery on Trust Lands now or in the future.

5. Does the Town's wastewater treatment plant have adequate capacity to serve development on tribal lands AND development that is planned to occur within Town limits?

Yes. An analysis of the conditions and capacity of the Town's existing wastewater system was conducted by Town Staff in consultation with the professional engineering firm of GHD. The analysis concluded that under current conditions the wastewater treatment plant has adequate capacity to serve anticipated near-term development in Town plus the first phase of development on tribal lands. Several improvements to the existing aeration basin system will be needed to provide adequate capacity for development of the second phase of the project. The onetime connection fee to be paid by the Tribe will ensure these improvements are completed in advance of construction of the second phase of development.

6. What authority does the Town have over development on tribal lands?

The Town has no legal authority to exercise jurisdiction over, deliberate on, approve, disapprove or otherwise exercise judgement regarding lands that have been taken into trust by the federal government. The proposed agreement is only possible because the Tribe is willingly working with the Town to address this issue of mutual interest. The Tribe is under no obligation to enter into an agreement with the Town and does not need Town or County approval to develop its land or to construct its own wastewater treatment facilities.

7. Can the Town Council approve the extension of services to serve development located outside of the Urban Growth Boundary (UGB)?

Yes. Policy LU-7.10 in the Land Use and Community Design Element of the Town of Windsor 2040 General Plan sets forth specific findings that the Town Council must make in order to allow for extension of Town services outside the UGB. The required findings for approval are addressed in the resolution provided as part of the May 20th Town Council Staff Report.

8. Will approval of the extension of services outside the Urban Growth Boundary set a precedent for other private development projects outside of the Urban Growth Boundary (UGB)?

No. The request by the Tribe for extension of wastewater service to serve lands taken into trust by the Federal government was not contemplated by voters when the UGB was first established in 1998. The Town Attorney and Town Staff have determined that the request from the Tribe – a sovereign government not subject to local land use controls or regulations and who has the authority to proceed with construction regardless of the Town’s decision – is an exceptional and unique circumstance that could never be used as a basis for providing services to other private development projects outside the UGB.

9. Is the Tribe interested in connecting to Town water service?

No. The Tribe has indicated that they are not interested in connecting to Town water services.

10. What happens if the Town Council does not approve the agreement?

The Tribe would continue with construction of the first phase of residential development on its lands, including construction of wastewater treatment facilities on their land. The Tribe’s wastewater treatment facilities are planned to be located north of Windsor River Road and west of the residential neighborhoods between Starr Road and the edge of town. The Town would not receive any funds from the Tribe for improvements to the Town’s wastewater treatment system or to advance a future community benefit project.