



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Conduct a Public Hearing To Consider Introducing An Ordinance Amending The San Joaquin County Multi-Species Habitat Conservation And Open Space Plan And Adopt A Resolution Setting The Development Fees For 2010

MEETING DATE: October 21,2009

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Conduct a public hearing to consider introducing an Ordinance amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and adopt a Resolution setting the development fees for 2010.

BACKGROUND INFORMATION: On February 21, 2001, the City of Lodi adopted the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The Plan includes a schedule of fees to be paid by property owners who propose to develop their property with non-agricultural uses. These fees are used to mitigate for the cumulative impacts of new development on habitat lands within Lodi and San Joaquin County. According to the Plan, it is necessary for all jurisdictions covered by the Plan to approve the Habitat Conservation Plan (HCP) fees in order for the jurisdiction to continue to participate in the Plan. The fees are reviewed on an annual basis.

The original Ordinance adopting this program called for the fees to be adjusted before April 30th of each year with the adjustments being effective by July 1st. These dates have been changed by San Joaquin Council of Governments by having the effective date January 1st of each year, therefore a change in the Ordinance is now appropriate. No other changes are contemplated.

On August 19,2009, The SJCOG Board unanimously approved the HCP fee schedule for 2010. All local jurisdictions are requested to approve the new fee schedule that will take effect on January 1, 2010.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: N/A

Rad Bartlam
Community Development Director

Attachments:

APPROVED:

Blair King, City Manager



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202

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San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

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ESCALON,
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TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

2010 Updated Habitat Fees*

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$7,307
Natural	\$ 14,615
Agriculture	\$ 14,615
Vernal Pool - uplands	\$ 42,071
Vernal Pool - wetted	\$ 80,766

* Effective January 1, 2010 – December 31, 2010

2010 Endowment Fees with In-lieu Land**

Type of Preserve	Enhancement Cost/acre	Land Management Cost/acre	TOTAL PER ACRE ENDOWMENT
Agricultural Habitat Lands	\$2,943.89	\$1,65968	\$4,603.57
Natural Lands	\$2,943.89	\$1,65968	\$4,603.57
Vernal Pool Habitat			
<i>Vernal Pool Grasslands</i>	\$554.38	\$6,073.69	\$6,628.07
<i>Vernal Pool Wetted</i>	\$39,249.51	\$6,073.69	\$45,323.20

** Effective January 1, 2010 – December 31, 2010 in lieu of fees to be used as the endowment for the preserve (Category B & C)

Staff Report

SUBJECT: 2010 SJMSCP Development Fees

RECOMMENDED ACTION: Motion to Recommend to SJCOG, Inc. to Approve the 2010 SJMSCP Development Fees as Adjusted Pursuant to Land Sale Comparables and Consumer Price Index

SUMMARY:

In accordance with the SJMSCP and the new financial analysis model adopted by the SJCOG, Inc. Board in late 2006 and the subsequent yearly fee updates, SJCOG, Inc. staff shall notify each local jurisdiction regarding proposed annual adjustments to the SJMSCP development fees. The development fees are calculated using a formula method which will be adjusted annually as shown in the table below [FEE = Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & admin)]. Each component of the formula is adjusted using a specific mechanism which relates to the individual component in the fees. The development fees established must be adopted by each of the jurisdictions and would become effective on January 1st of the subsequent year for projects using the SJMSCP.

The overall result was a slight increase in the fees from 2009 to 2010 shown in the table below.

2010 SJMSCP Development Fees

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
Open Space	\$5,005.55	\$1,471.94	\$829.84	\$7,307.34	\$7,307
AG/Natural	\$10,011.11	\$2,943.89	\$1,659.68	\$14,614.67	\$14,615
Vernal Pool (grasslands)	\$35,442.51	\$554.38	\$6,073.69	\$42,070.59	\$42,071
Vernal Pool (wetted)	\$35,442.51	\$39,249.51	\$6,073.69	\$80,765.72	\$80,766

2009 SJMSCP Development Fees

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
<i>Open Space</i>	\$4,804.56	\$1,437.45	\$810.39	\$7,052.10	\$7,052
<i>AG/Natural</i>	\$9,608.52	\$2,874.89	\$1,620.78	\$14,104.19	\$14,104
<i>Vernal Pool (grasslands)</i>	\$34,092.20	\$541.39	\$5,931.34	\$40,564.93	\$40,565
<i>Vernal Pool (wetted)</i>	\$34,092.20	\$38,329.60	\$5,931.34	\$78,353.14	\$78,353

DISCUSSION:

Category A (acquisition) - Comparables

This category is directly related to land valuation based on comparables which occur in specific zones of the plan. This category is evaluated on a yearly basis by taking all qualified comparables in each zone, including SJCOG, Inc. easements, to set a weighted cost per acre using the same methodology as in the Financial Analysis Update in 2006 created by EPS. The SJCOG, Inc. easements are evaluated using the appraised value of the property in the before condition to be included with the fee title sales of other property occurring in San Joaquin County meeting specific criteria below. The final weighted cost per acre of each zone is calculated into a blended rate under SJMSCP Fee Category A (acquisition) figure for each habitat type (Attachment 1-Tables A-D).

The criteria to determine valid comparables used in the weighted calculation are:

1. All SJCOG, Inc. transactions (fee title and appraised value of unencumbered property)
2. Sales not less than 40 acres
3. Sales not greater than 500 acres
4. No parcels with vineyard or orchard (except SJCOG, Inc. transactions for special needs)
5. Must be land which would fulfill mitigation under the plan
6. Not greater than 2 years old from the date of June 30th of each year with all acceptable comparables included (criteria 1-5). A minimum of 10 acceptable comparables are required for analysis. If the minimum of 10 transactions are not available, the time period will extend at 3 month intervals prior to the beginning date until 10 comparables are gathered.

The calculation results in a minimal increase to the Agricultural/Natural Habitat type of Category A (acquisition) component to be **\$10,011.11**.

Category B (assessment & enhancement) - Consumer Price Index

This category is a straight forward use of an average of the California Consumer Price Index (CPI) calculator, as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The California CPI calculation was an increase of **2.4%**.

The calculation results in an increase of the Agricultural/Natural Habitat type Category B (Assessment & Enhancement) component to be **\$2,943.89**.

Category C (management & administration) - Consumer Price Index

This category is a straight forward use of an average of the California Consumer Price Index (CPI) calculator, as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The California CPI calculation was an increase of **2.4%**.

The calculation results in an increase of the Agricultural/Natural Habitat type Category C (Management & Administration) component to be **\$1,659.68**.

SJCOG, Inc. staff calculated the fees using the SJMSCP Financial Analysis formula model [FEE = Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & admin)] which is shown in Table 1-8 and final fee table in attachment 2. The overall result in the calculations was a slight increase in the fees from the 2009 to the 2010 shown in the table below.

2010 SJMSCP Development Fees

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
Open Space	\$5,005.55	\$1,471.94	\$829.84	\$7,307.34	\$7,307
AG/Natural	\$10,011.11	\$2,943.89	\$1,659.68	\$14,614.67	\$14,615
Vernal Pool (grasslands)	\$35,442.51	\$554.38	\$6,073.69	\$42,070.59	\$42,071
Vernal Pool (wetted)	\$35,442.51	\$39,249.51	\$6,073.69	\$80,765.72	\$80,766

2009 SJMSCP Development Fees

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
<i>Open Space</i>	<i>\$4,804.56</i>	<i>\$1,437.45</i>	<i>\$810.39</i>	<i>\$7,052.10</i>	<i>\$7,052</i>
<i>AG/Natural</i>	<i>\$9,608.52</i>	<i>\$2,874.89</i>	<i>\$1,620.78</i>	<i>\$14,104.19</i>	<i>\$14,104</i>
<i>Vernal Pool (grasslands)</i>	<i>\$34,092.20</i>	<i>\$541.39</i>	<i>\$5,931.34</i>	<i>\$40,564.93</i>	<i>\$40,565</i>
<i>Vernal Pool (wetted)</i>	<i>\$34,092.20</i>	<i>\$38,329.60</i>	<i>\$5,931.34</i>	<i>\$78,353.14</i>	<i>\$78,353</i>

RECOMMENDATION:

Staff recommends the HTAC approve the recommendation to SJCOG, Inc. to adopt the 2010 SJMSCP Development Fees.

Prepared by: Steve Mayo, Senior Habitat Planner
M:\STAFFRPT\2009\August\HTAC\2010 SJMSCP Development Fees

Table A. *Central Zone Properties*

Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Hab Type	Appreciated Price	Appreciated Price/Acre
18813 W Brandt Rd, Lodi, CA	019-200-25	Central	07/02/2007	\$1,450,000.00	40.00	\$36,250.00	C34	\$1,727,916.67	\$43,197.92
9346 Kaiser Rd, Stockton CA	201-120-01	Central	07/17/2007	\$650,000.00	137.00	\$4,744.53	C34	\$774,583.33	\$5,653.89
10 W Lorenzen Rd, Tracy, CA	239-140-04	Central	08/08/2007	\$675,000.00	71.60	\$9,427.37	C34	\$798,750.00	\$11,155.73
9898 S Jack Tone Road, Stockton, CA	203-020-02	Central	09/26/2007	\$758,000.00	49.18	\$15,412.77	C34	\$890,650.00	\$18,110.00
19298 S Alder Ave, Tracy, CA	213-190-02	Central	09/27/2007	\$1,125,000.00	97.67	\$11,518.38	C34	\$1,321,875.00	\$13,534.09
1000 E Critchett Rd, Tracy, CA	241-110-33	Central	10/23/2007	\$1,250,000.00	41.43	\$30,171.37	C34	\$1,458,333.33	\$35,199.94
18228 E Gawne Rd, Stockton CA	185-030-04	Central	11/30/2007	\$400,000.00	80.00	\$5,000.00	C34	\$463,333.33	\$5,791.67
3750 W Tredway Road, Lodi, CA	055-180-04	Central	02/04/2008	\$532,500.00	196.12	\$2,715.17	C34	\$603,500.00	\$3,077.20
28200 Dry Creek Rd. Galt, CA	009-050-10	Central	03/03/2008	\$275,000.00	76.95	\$3,573.75	C34	\$309,375.00	\$4,020.47
16499 E State Route 88, Lockeford, CA	019-170-23	Central	03/07/2008	\$1,397,000.00	91.83	\$15,212.89	C34	\$1,571,625.00	\$17,114.51
16751 N Clements Rd, Lodi, CA	053-170-14	Central	03/17/2008	\$1,397,000.00	80.00	\$17,462.50	C34	\$1,571,625.00	\$19,645.31
12312 N Tully Rd, Lodi, CA	065-040-42	Central	03/19/2008	\$340,000.00	40.14	\$8,470.35	C34	\$382,500.00	\$9,529.15
13497 S Murphy Rd, Escalon, CA	203-130-03	Central	04/01/2008	\$1,760,000.00	106.66	\$16,501.03	C34	\$1,965,333.33	\$18,426.15
627 W Vernalis Rd, Tracy, CA	255-160-28	Central	04/18/2008	\$1,475,000.00	52.22	\$28,245.88	C34	\$1,647,083.33	\$31,541.24
15757 E Sargent Rd, Lodi, CA	053-070-06	Central	06/02/2008	\$4,500,000.00	198.50	\$22,670.03	C34	\$4,950,000.00	\$24,937.03
12108 E Kettleman Ln, Lodi, CA	063-250-01	Central	08/14/2008	\$759,000.00	75.88	\$10,002.64	C34	\$822,250.00	\$10,836.19
355 W Vernalis Rd, Tracy CA	255-160-29	CSW	08/29/2008	\$615,000.00	52.22	\$11,777.10	C34	\$666,250.00	\$12,758.52
W Bethany Rd, Tracy, CA	209-290-34	CSW	09/23/2008	\$1,537,269.00	143.67	\$10,700.00	C34	\$1,652,564.18	\$11,502.50
26444 N Cherokee Lane Galt, CA	005-200-17	Central	12/17/2008	\$440,000.00	40.00	\$11,000.00	C34	\$462,000.00	\$11,550.00
28142 S Kasson Rd, Tracy CA	241-110-08	Central	12/18/2008	\$2,000,000.00	96.99	\$20,620.68	C34	\$2,100,000.00	\$21,651.72
14088 E Kettleman Ln. Lodi, CA	053-050-01	Central	01/21/2009	\$1,040,000.00	108.72	\$9,565.86	C34	\$1,083,333.33	\$9,964.43
2600 N Cherokee Lane Galt, CA	005-200-15	Central	01/23/2009	\$1,050,000.00	78.00	\$13,461.54	C34	\$1,093,750.00	\$14,022.44
Alegre Property*		Central	11/24/2008	\$1,106,000.00	158.00	\$7,000.00	C34	\$1,170,516.67	\$7,408.33
Nakagawa Property*		Central	01/11/2008	\$4,078,500.00	331.67	\$12,296.86	C34	\$4,248,437.50	\$12,809.23
Hilder Property*		Central	01/11/2008	\$14,074,500.00	1279.50	\$11,000.00	C34	\$14,660,937.50	\$11,458.33
Seegers Property*		Central	11/30/2007	\$843,100.00	84.31	\$10,000.00	C34	\$976,590.83	\$11,583.33
* SJCOG, Inc. Preserves			TOTAL	\$41,994,869.00	3510.48	\$11,962.71		\$49,373,113.34	\$14,064.49

Table B. *Delta Properties*

Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Hab Type	Appreciated Price	Appreciated Price/Acre
15650 W Finck Rd, Tracy, CA	189-050-44	Delta	08/05/2008	\$1,375,000.00	177.00	\$7,768.36	C34	\$1,489,583.33	\$8,415.73
9900 W Kile Rd. Thornton, CA	001-150-02	Delta	11/20/2008	\$625,000.00	51.58	\$12,117.10	C34	\$661,458.33	\$12,823.93
26142 N Blossom Rd. Thornton, CA	001-150-01	Delta	11/20/2008	\$825,000.00	52.00	\$15,865.38	C34	\$873,125.00	\$16,790.87
3234 Robrets Rd. Stockton, CA	162-130-07	Delta	04/16/2009	\$484,500.00	57.17	\$8,474.72	C34	\$492,575.00	\$8,615.97
			TOTAL	\$3,309,500.00	337.75	\$9,798.67		\$3,516,741.67	\$10,412.26

Table C. *Southwest Zone Properties*

Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Hab Type	Appreciated Price	Appreciated Price/Acre
28550 W Corral Hollow Road, Tracy, CA	263-200-17	SW	11/20/2007	\$200,001.60	240	\$833.34	G	\$231,668.39	\$965.28
18740 W Corral Hollow Road, Tracy, CA	263-220-04	SW	09/17/2008	\$400,000.00	53.45	\$7,483.63	G	\$429,999.88	\$8,044.90
Elworthy/Bogetti Property*		SW	09/29/2006	\$790,000.00	790	\$1,000.00	G	\$1,007,249.13	\$1,275.00
Elworthy/McDonald/Bogetti Property*		SW	05/17/2007	\$2,170,000.00	2170	\$1,000.00	G	\$2,622,081.53	\$1,208.33
* SJCOG, Inc. Preserves			TOTAL	\$3,560,001.60	3253.45	\$1,094.22		\$4,290,998.93	\$1,318.91

Table D. *Encumbered Properties**

Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Hab Type	Appreciated Price	Appreciated Price/Acre
Caffese Trust / Leventini		Delta	10/17/2003	\$550,000.00	179.91	\$3,057.08	C34	\$643,500.00	\$3,576.79
Rurup Trust / Suppenant		Delta	01/09/2004	\$425,000.00	195	\$2,179.49	C34	\$494,062.50	\$2,533.65
Hammer Trust / Morais		Delta	06/25/2004	\$854,000.00	388.89	\$2,195.99	C34	\$982,100.00	\$2,525.39
Nature Conservancy		Delta	07/22/2004	\$658,000.00	328.8	\$2,001.22	C34	\$755,055.00	\$2,296.40
Heritage Land Co. / Olagaray Bros PTP		Delta	04/13/2005	\$712,000.00	215.64	\$3,301.80	C34	\$801,000.00	\$3,714.52
Wing Levee Propety**		Delta	11/09/2007	\$2,200,000.00	361.27	\$6,089.63	C34	\$2,304,500.00	\$6,378.89
** SJCOG, Inc. Preserve			TOTAL	\$5,399,000.00	1,669.51	\$3,233.88		\$5,980,217.50	\$3,582.02

10 comparables required for Study

2010 Fees	Acquisition Costs	Assessment & Enhancement	Management and Administration	Total	Total Rounded
Other Open Space	\$5,005.55	\$1,471.94	\$829.84	\$7,307.34	\$7,307
Natural/Ag Lands	\$10,011.11	\$2,943.89	\$1,659.68	\$14,614.67	\$14,615
Vernal Pool Grasslands	\$35,442.51	\$554.38	\$6,073.69	\$42,070.59	\$42,071
Vernal Pool Wetted	\$35,442.51	\$39,249.51	\$6,073.69	\$80,765.72	\$80,766

Calculations:

Table 1 **Per-Acre Land Value Summary**
SJMSCP 2010 Fee Evaluation

Land Use		Central Zone	Primary Zone of the Delta	Southwest Zone***
Fee Title	a*	\$14,064	\$8,167	\$1,500
Row Crops/Grazing	b**	\$3,582	\$3,332	\$500
Easement Costs	a-b	\$10,482	\$4,835	\$1,000

*based off of 7/01/07-6/30/09 Applicable Ag Sale Comparables (Table A & B)

Zone Based on lower market rents for row crop land.

***based on standard easement cost of Southwest Zone of \$1,000/ac.

Table 2 **Per Acre Acquisition Cost Summary**

Land Use Category		SJMSCP Zone			Total Weighted Acquisition Cost A+B+C
		Central Zone A	Primary Zone of the Delta B	Southwest Zone C	
Easement Cost by Zone (1)	d	\$10,482	\$4,835	\$1,000	
Natural Lands					
Riparian					
Percent in Zone (2)	e	89%	11%	0%	
Weighted Costs (3)	d*e	\$9,329.40	\$531.81	\$0.00	\$9,861.21
Delta Submerged Aquatic					
Percent in Zone (2)	f	0%	100%	0%	
Weighted Costs (3)	d*f	\$0	\$4,835	\$0	\$4,835
Other Water's Edge					
Percent in Zone (2)	g	100%	0%	0%	
Weighted Costs (3)	d*g	\$10,482	\$0	\$0	\$10,482
Southwest Grasslands					
Percent in Zone (2)	h	0%	0%	100%	
Weighted Costs (3)	d*h	\$0	\$0	\$1,000	\$1,000
Vernal Pool Wetted (4)		n/a	n/a	n/a	\$11,252
Vernal Pool Grasslands (4)		n/a	n/a	n/a	\$11,252
Agricultural Lands					
Percent in Zone (2)	i	97%	3%	0%	
Weighted Costs (3)	d*i	\$10,168.00	\$145.04	\$0.00	\$10,313.04

(1) See Table 2.

(2) Percent of total lands in each category assumed to be in a given zone. Based on 1996 Economic Analysis

(3) Weighted average cost based on proportion of total land in each zone. Assumes easement acquisition for lands categorized as agriculture, riparian, delta submerged, other's waters edge, and southwest grasslands.

(4) Assumes fee title acquisition for vernal pool lands. Vernal pools fee title land costs assumed to be about 80% of average Central Zone fee title costs.

Table 3 **Total Acquisition Costs**

SJMSCP 2010 Fee Evaluation

Preserve Types	Cost per Acre (1)	Transaction Costs (2) 5%	Total Land Acquisition Costs
Agricultural Lands	\$10,313.04	\$515.65	\$10,828.69
Natural Lands			

Attachment 2

Riparian	\$9,861.21	\$493.06	\$10,354.27
Delta Submerged Aquatic	\$4,834.64	\$241.73	\$5,076.37
Other Water's Edge	\$10,482.47	\$524.12	\$11,006.59
Southwest Grasslands	\$1,000.00	\$50.00	\$1,050.00
Vernal Pool Wetted	\$11,251.59	\$562.58	\$11,814.17
Vernal Pool Grasslands	\$11,251.59	\$562.58	\$11,814.17

(1) See Table 3. Assumes easement purchases in all cases except fee title purchases for vernal pool lands.

(2) Transaction costs include biological baseline, appraisal, escrow, and survey costs.

Table 4 **Total Per-Acre Costs**
SJMSCP 2010 Fee Evaluation

Preserve Type	Land Acquisition	% of Total Preserve Lands	Total Preserve Acres	Total Costs of Acquisition
Agricultural Lands	\$10,828.69	57%	57,635	\$624,111,370.52
Natural Lands				
Riparian	\$10,354.27	19%	19,185	\$198,646,657.79
Delta	\$5,076.37	0%	10	\$50,763.74
Other Water's Edge	\$11,006.59	2%	1,584	\$17,434,444.10
Southwest Grasslands	\$1,050.00	4%	4,146	\$4,353,300.00
Average of Natural/Ag Lands	\$10,230.09	82%	82,560	\$844,596,536.15
Vernal Pool Wetted	\$11,814.17	2%	354	\$4,182,216.75
Vernal Pool Grasslands	\$11,814.17	16%	17328	\$204,715,965.48

Table 5 **Total Preserve Costs, Breakdown by Category**
SJMSCP 2010 Fee Evaluation

Preserve Type	Total Preserve Acres	Acquisition Costs	
		Per Acre	Total
Vernal Pool Wetted	2,121	\$11,814.17	\$25,057,857.96
Vernal Pool Grasslands	15,561	\$11,814.17	\$183,840,324.27
Nat/Ag Lands	82,860	\$10,230.09	\$847,665,564.26
Total	100,542		\$1,056,563,746.49

Table 6 **Vernal Pool Surface and Grasslands / Acquisition Component**
SJMSCP 2010 Fee Evaluation

Preserve Type	Acres Converted	Acquisition Costs
Vernal Pool Wetted	707	
Total Cost		\$25,057,857.96
Fee per Acre		\$35,442.51
Vernal Pool Grasslands	5,187	
Total Cost		\$183,840,324.27
Fee per Acre		\$35,442.51

Table 7 **Nat/Ag Land and Open Space / Acquisition Component**
SJMSCP 2010 Fee Evaluation

Preserve Type	Land Acquisition		Total
	Land Acquisition	Transaction	
Cost associated with Nat/Ag Lands Conversion	\$805,282,286.05	\$42,383,278.21	\$847,665,564.26
Nat/Ag Land Conversion	65,940	65,940	65,940

Attachment 2

Other Open Space Conversion	37,465	37,465	37,465
Multiplier for Nat/Ag Land Conversion	1	1	1
Multiplier for Other Open Space	0.5	0.5	0.5
Land Acquisition Component of Nat/Ag Lands Fee	\$9,510.55	\$500.56	\$10,011.11

Table 8 Cat B & C Fee Component Calcs

SJMSCP 2010 Fee Evaluation

CPI 7/08-6/09

2.40%

		Assessment & Enhancement	Management and Administration
Fee	% of Land Preser.	B	C
Other Open Space		\$1,471.94	\$829.84
Natural/Ag Lands	82%	\$2,943.89	\$1,659.68
Vernal Pool Grasslands	16%	\$554.38	\$6,073.69
Vernal Pool Wetted	2%	\$39,249.51	\$6,073.69

SAN JOAQUIN COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS
SJCOG Conference Room
555 E. Weber Avenue
Stockton, CA 95202

August 27, 2009

MINUTES

1. The Board meeting was called to order by Chairman Larry Hansen at 5:00 p.m. and introduced Ross Chittenden, Caltrans D-10 Director the newest ex-officio member of the SJCOG Board.

Roll Call:

Board Members Present:

Supervisor Steve Bestolarides, San Joaquin County; Vice Mayor Steve DeBrum, Manteca; Councilman Dale Fritchen, Stockton; Mayor Larry Hansen, Lodi; Councilman Gary Haskin, Escalon; Mayor Ann Johnston, Stockton; Vice Mayor Kathy Miller, Stockton; Mayor Kristy Sayles, Lathrop; Mayor Chuck Winn, Ripon.

Ex-Officio Members Present:

Mr. Ross Chittenden, Caltrans; Mr. Gary Giovanetti, SJRTD; Mr. Steve Herum, Port of Stockton.

Board Members Absent:

Mayor Brent Ives, Tracy; Supervisor Leroy Ornellas, San Joaquin County; Supervisor Ken Vogel, San Joaquin County.

Ex-Officio Members Absent:

None.

Staff Members Present:

Andrew T. Chesley, Executive Director; Steve Dial, Deputy Executive Director/CFO; Dana Cowell, Deputy Director; Rebecca Montes, Manager of Administrative Services; Kevin Sheridan, Project Manager; Dianne Barth, Public Communication Manager; Mike Swearingen, Senior Regional Planner; Wil Ridder, Senior Regional Planner; Donald Mascardo, Associate Regional Planner; Kim Anderson, Associate Regional Planner; Steve Mayo, Senior Habitat Planner; Tanisha Taylor, Senior Regional Planner; Aaron Hoyt, Associate Regional Planner; Laura Brunn, Associate Regional Planner; Kim Kloeb, Senior Regional Planner; Yvette Davis, Associate Regional Planner; Lynnetta Castle-Martinez, Fiscal Assistant II; Nancy Trevino, Fiscal Assistant II; Tisha Singleton, Fiscal Assistant I; Teresa Garcia, Planner Technician; Vik Sharma, IT Support Technician; Rosie Vargas, Office Services Supervisor; Katy Castro, Office Assistant; Rod Attebery, Counsel.

2. **Recognitions/Presentations:**

ARRA Project Delivery

3. **Public Comments:**

None

4. **Minutes of July 23, 2009**

It was moved/seconded (Johnston/DeBrum) to approve the July 23, 2009 minutes as submitted. Motion passed unanimously 9/0 with a voice vote.

5. **Consent Calendar Items:**

- A. SJCOG Monthly Financial Report & Transportation Authority Monthly Investment Report
- B. San Joaquin Air Pollution Control District Updated Memorandum of Understanding with the 8 San Joaquin Valley MPO's
- C. Highway 99/120 Interchange Contract Amendment with Quincy Engineers
- D. Citizens Advisory Committee Membership Appointment
- E. Federal Transit Administration (FTA) Section 5310 Elderly and Disabled Special Need Transit 2009 Federal Funding Cycle Recommendation
- F. Audit Engagement Letter Addendum 2007/08
- G. Measure K Cooperative Agreement with San Joaquin Regional Transit District (SJRTD) FY 2009/10 Interregional Services

Supervisor Bestolarides stated in regards to item F in the future when there are cost over runs the item should be presented to the Board before approval. Supervisor Bestolarides asked in regards to item G is the dollar amount part of the overall loan agreement or separate. Mr. Dial said separate. Mayor Johnston expressed concerns regarding the Maintenance of Effort cost. Mr. Dial stated staff will come back in September with a proposal on how to deal with the MOE. Mr. Dial stated that he understands the comment was, if there is no MOE the audit should reflect that. Vice Mayor DeBrum requested to pull item F *Audit Engagement Letter Addendum 07/08*.

It was moved/seconded (Bestolarides/Johnston) to approve the consent calendar items A through G with the exception of item F. Motion passed unanimously 9/0 with a roll call vote.

Committee members continued to discuss item F regarding their concerns. Mr. Dial stated staff understands that the MOE audit is different from others and COG staff will make sure the auditors understand those complexities and that staff will be more aggressive in monitoring the MOE in the future.

It was moved/seconded (Bestolarides/Sayles) to approve item F of the consent calendar. Motion passed 8/1 with a roll call vote and with Vice Mayor DeBrum casting a no vote.

6. **SAN JOAQUIN COUNCIL OF GOVERNMENTS ITEMS FOR DISCUSSION/ACTION:**

A. **TIGER Public/Private Policy Proposal**

Mr. Cowell presented this item discussing the policy consideration, costs and public benefits of the staff report. Mr. Cowell stated staff has been supportive of and has encouraged public/private partnerships, however unique circumstances of these

proposals would not be appropriate at this time. Mr. Cowell stated the Executive Committee voted unanimously to deny these two requests for Public Agency Sponsorship at their August meeting. Staff's recommendation is to deny the request, that SJCOG serve as Public Agency Sponsor for these two privately developed TIGER grant proposals.

It was moved/seconded (Bestolarides/Hansen) to deny the request that SJCOG serve as Public Agency Sponsor for these two privately developed TIGER grant proposals. Motion passed unanimously 9/0 by voice vote.

B. Commute Connection 2008-09 Annual Report

Ms. Davis presented this item with a powerpoint presentation. Ms. Davis gave a brief background and stated Commute Connection also provides services for Stanislaus County residents under a contract with Stanislaus Council of Governments. Ms. Davis reviewed the 2008-09 accomplishments, Marketing/Outreach, Regional Efforts/Grants and the program profile.

Chairman Hansen asked for clarification on the ride matches attempted and successful ride matches. Ms. Davis stated those numbers are based on a placement rate survey. Ms. Davis stated that staff is aware that there are a lot more car pools that are not registered with the program.

Mayor Winn asked if the S.J. Valley Air Pollution District on Trip Reduction Rule 9410 is already in place. Ms. Davis stated it is being developed now and the last public comment meeting will be held in September.

It was moved/seconded (Johnston/DeBrum) to accept the Commute Connection 2008-09 Annual Report. Motion passed unanimously 9/0 with a voice vote.

C. State Route 12 Corridor Study

Mr. Ridder presented this item with a powerpoint presentation. Mr. Ridder stated this study is a combination of several years of work in partnership with Caltrans and COG across Sacramento and Solano County to develop a scope of work and reasonable funding strategies. The study will be over a period of 18 months starting in November of this year. Caltrans has committed to funding \$500,000 of the study, with MTC, STA, SACOG and SJCOG providing the remaining funds. Additionally, Caltrans District 10 has made available over \$100,000 for public outreach support.

Supervisor Bestolarides asked what is the difference between this study and the previous 2006 study and where is the funding coming from. It was projected from the 2010-11 budget year. Mr. Ridder said the original study with Caltrans D10 as the lead only went to the Rio Vista Bridge. Staff suggested based upon some additional work it's most appropriate to look at the corridor from I-5 to 80 to understand the activity of the corridor. Also, to get more into depth on what are some of the long term alternatives of improvements in trying to develop a strategy around this. The City of Rio Vista is looking at a Bridge alignment, their recognition from that is anywhere from \$200 to \$500 million alone. Supervisor Bestolarides asked if the \$117,000 coming out

of the general Measure K fund. Mr. Ridder said it would be coming out of general planning.

Vice Mayor DeBrum asked for clarification on the restudying of 99 to Rio Vista and what portion of that work was completed. Mr. Ridder said the product of the work done in the 2006 corridor study from 99 to Rio Vista Bridge went to safety operations improvements that are currently on their way of delivering. The next step is to looking at more of long term type of improvements that would be applicable to the corridor; this could include a full alignment.

It was moved/seconded (Hansen/Johnston) to authorize the SJCOG Executive Director to enter into a funding agreement with the Metropolitan Transportation Commission, the Solano Transportation Authority, the Sacramento Area Council of Governments, and Caltrans for an amount not to exceed \$117,000 by Resolution R-10-05. Motion passed unanimously 9/0 with a voice vote.

D. American Recovery and Reinvestment Act (ARRA) Delivery Progress Report

Mr. Ridder reported on April 2009 the SJCOG Board took action on programming ARRA funds to a series of roadway projects. Since then staff has been working in partnership with Caltrans D10 and member jurisdictions in promoting the delivery of those projects to ensure these funds are not lost to our region. Mr. Ridder stated some guidelines have changed and deadlines have advanced. Caltrans expressed concern on two projects that are at risk of not being able to complete the appropriate federal environmental and right-of-way acquisition process within the timelines. Mr. Ridder stated the two projects are the City of Manteca's Atherton Road Extension Project and the City of Tracy's Corral Hollow Widening Project. Staff has worked with Caltrans and the local agencies to explore the opportunity to exchange these ARRA funds with other federal funds that are programmed in this region. This action would allow the ARRA funds to be obligated within the required timeline and give both projects sufficient time to complete the environmental process and right-of-way acquisition.

Chairman Hansen asked when will we anticipate funding some of the projects. Mr. Ridder said the majority of our projects have been obligated and should start seeing some construction occurring in San Joaquin County. Chairman Hansen suggested just like with the MK funds, have signs that say ARRA funds have been awarded to these projects.

It was moved/seconded (Johnston/Sayles) to authorize SJCOG staff to coordinate funding exchanges on ARRA projects to ensure the use of ARRA funds and the delivery of ARRA projects. Motion passed unanimously 9/0 with a voice vote.

7. **INFORMATION ONLY ITEMS**

- A. State Transportation Improvement Program (STIP) Update
- B. San Joaquin County Regional Blueprint Workshop
- C. 2009 Measure K Renewal Strategic Plan Update
- D. 2010/2011 Unmet Transit Needs Process

This was for information only no action was taken.

8. **AIRPORT LAND USE COMMISSION:**
None.

*****ADJOURN SAN JOAQUIN COUNCIL OF GOVERNMENTS UNTIL THE CONCLUSION
OF THE SJCOG, INC. MEETING*****

9. **SJCOG, INC.:**

1. **Open Meeting of SJCOG, Inc./Roll Call:**

Roll call as previously stated.

2. **Public Comment:**

None.

3. **Consent Calendar items:**

- A. Phase II-RD 17 100-Year Levee Seepage Project
- B. Master Contract for Surveyor Services
- C. Mizuno Property Land in Lieu Dedication and Preserve Management Plan

Motion passed unanimously 9/0 by roll call to accept the consent calendar as submitted.

4. **SJCOG, INC. ITEMS FOR DISCUSSION/ACTION**

A. **2010 SJMSCP Development Fees**

Mr. Mayo presented this item stating in accordance with the financial analysis model adopted by the SJCOG, Inc. Board in late 2006, the 2010 SJSMCP development fees were calculated using the formula method shown in the table on the staff report. Mr. Mayo stated each component has its own criteria for evaluation with each part. Mr. Mayo stated the overall result was a 3.6% increase in the fees from 2009 to 2010. Mr. Mayo discussed Categories A, B, & C stating staff received comment from the Building Industry Association of Delta (BIA) regarding concerns on two of the comparable sales used. Staff discussed the issues with BIA and matters were resolved by removal of one comparable and a valid explanation for the second comparable being valid. In the blue folder there is a letter from BIA of Delta supporting the 2010 adjustment to the SJMSCP Development Fees.

It was moved/seconded (Johnston/Sayles) to approve the 2010 SJMSCP development fees as adjusted pursuant to land sale comparables and consumer price index. Motion passed unanimously 9/0 with a voice vote.

B. **Nakagawa Preserve Habitat Restoration Project**

Mr. Mayo gave a brief background on this item stating this is the largest acquisition taken by the habitat plan. It was a joint effort between USDA and SJCOG, Inc. to secure 200 acre easement, and then SJCOG, Inc secured another 88 acre easement. The family is interested in moving forward with the restoration. After much consideration of various potential restoration plans that would require extensive

costs and permitting the landowner desires to separate the two distinct areas by creation of a land levee. Mr. Mayo discussed attachment 1 and 2 of the staff report.

Mr. Mayo stated the agreement to be executed with Nakagawa family for work is not to exceed \$497,200.00 (including a 10% contingency) from land management funds.

Councilmember Haskin asked what kind of condition is the current levee easement. Mr. Mayo said about 95% of it. Councilman Haskin asked if this is flood protection. Mr. Mayo said yes.

It was moved/seconded (Johnston/Miller) to 1) approve the restoration plan; 2) approve of the restoration contract; and 3) authorize the Treasurer of SJCOG, Inc. to execute the agreement with landowner for work. Motion passed unanimously 9/0 with a voice vote.

5. SJMSCP INFORMATION ONLY ITEMS:

A. 2007 SJMSCP Audit Resolution

This item was for information only no action was taken

*****RECONVENE TO THE SJCOG BOARD MEETING*****

10. Chairman's Report:

None.

11. Council Members' Report:

None.

12. Ex-Officio Council Members' Report:

A. San Joaquin Regional Transit District

Mr. Giovanetti passed out RTD's newsletter and stated RTD is continuing to streamline services due to budget issues. Mr. Giovanetti reported on:

- The comprehensive operational analysis which is almost completed.
- RTD will be implementing "Metro Hopper" a deviated fixed route service program. The Metro Hopper is comprised of six routes, each with a one-mile deviation window.
- In August RTD will partner with Kaiser and United Way to offer free rides for anyone who boards the bus to the neighbors of health which is a health fair.
- RTD's employee Leroy Goo a coach operator was given a National Safety Council award which covers 13 western states. Mr. Goo also received S.J. County Safety Council award.

B. Caltrans District 10

Mr. Chittenden thanked the Board for him welcoming as an ex-officio to the COG Board and is honored to be the Caltrans D10 Director. Mr. Chittenden stated prior roles with Caltrans were related to expanding the transparency and improving accountability,

primarily in project areas. Mr. Chittenden announced Kome Ajise has been assigned to Sacramento for a couple of years and one of his tasks was to organize the TIGER committee and be the focal point for Caltrans and the State of California. Mr. Chittenden stated because of the third furlough day Caltrans now has 14% less man power, which is going to have some impact. Mr. Chittenden indicated that Caltrans will be looking at projects, project schedules, the ability of dollars and contract for delivery. Mr. Chittenden reported that Caltrans will have a 3 day closure on SR 12 and it will occur on September 15, 16 & 17th.

C. Port of Stockton

Mr. Herum passed out a handout which is the Executive Summary of what's going on at the Port of Stockton. Mr. Herum briefly discussed the following items:

- Security Fence
- Competing Substation
- Yara Project
- Appreciation for Project on the TIGER list

13. Executive Director's Report:

A. Status of SB 716

Mr. Chesley stated several months ago the Board opposed SB 716 and authorized the Executive Director to negotiate with Senator Wolk and appropriate agencies over the context of the bill. Mr. Chesley briefly discussed the provisions of the bill that would be required by the year 2013. In negotiation with Senator Wolk and partner agencies the provisions of the bill will be affected in the year 2015. Mr. Chesley stated the City of Tracy will probably fall under these provisions. The Senator appreciates that we have articulated what are concerns were and if there are no objections he would like to state the provisions the Board objected to are removed.

B. California Transportation Commission Action on I-205 Fund Close-out Costs

Mr. Chesley stated he appreciates Mr. Chittenden taking on the role as Director for D10. Mr. Chesley stated he met with Mr. Chittenden to negotiate on this issue. Mr. Chesley stated that the Board authorized him to spend up to \$350,000 of MK to resolve the I-205 related issues. Unfortunately, Mr. Chittenden said the Department of Transportation was not going to be able to live with the agreement that the Board had worked out on this provision. Caltrans will be taking the provision to the CTC to their meeting in Long Beach on September 10. There will be no MK money invested in the project; however \$1.2 million of future programming from the STIP will be used to make up the difference of the shortfall. Mr. Chesley stated he was disappointed with Department of Transportation not being able to live with the original agreement.

Chairman Hansen asked what does this do in establishing a precedent, and how can this be avoided in the future. Mr. Chesley said the issue started early on in the project with the involvement between the department and ourselves in terms of making decisions that resulted in the increase costs, we did not have in place the kind of cooperation that we do today.

C. San Joaquin Valley MPO Fall Policy Conference

Mr. Chesley announced that October 1 & 2 is the S.J. Valley Fall Policy Conference in Fresno.

D. Focus on the Future

Mr. Chesley announced on October 4-6 is the Focus on the Future Conference in Hollywood. Mr. Chesley stated this is one of the best conferences in dealing with transportation and specifically the sales tax matter and would encourage anyone who is interested to attend.

Mr. Chesley reported that there is a provision in the ARRA funding that it is required that signs be posted.

Mayor Winn stated he had the opportunity to attend some of the S.J. Valley Regional Policy meetings in Fresno and recognized Mr. Chesley for his diligence, energy and efforts with SB 716. Mayor Winn stated that Mr. Chesley is well respected and recognized by other County's and he is very proud to be represented by Mr. Chesley.

14. CLOSED SESSION

A. Government Code Section 54956.9(a): Conference with Legal Counsel

Existing Litigation the Surland Companies, LLC v. San Joaquin County Airport Land Use Commission Case No. 39-2009-00221911-CU-PT-STK

15. RETURN FROM CLOSED SESSION

A. Report on any Action taken in Closed Session

Chairman Larry Hansen

Chairman Hansen stated there was no reportable action.

16. Adjournment:

There being no further business to discuss, the meeting was adjourned to Thursday, September 24, 2009 at 5:00 p.m. SJCOG Conference Room.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE CHAPTER 15.68 - SAN
JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION
AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEES - BY
REPEALING AND REENACTING SECTION 15.68.020(B)
"ANNUAL ADJUSTMENT"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 15.68 - San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fees - Section 15.68.020(B) - Annual Adjustment is hereby repealed and reenacted to read as follows:

- B. Annual Adjustment. The Fee established pursuant to a resolution shall be adjusted each year by an amount consistent with the California Construction Cost Index (CCCI) as published by the Engineering News Record and/or in conformance with Section 7.5.2.2. of the SJMSCP, and as approved by SJCOG, Inc.

The proposed fee adjustments shall be adopted by the Lodi City Council in order to be effective by January 1st of each year.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2009

LARRY D. HANSEN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held October 21, 2009 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2009 by the following vote:

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

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

RANDI JOHL
City Clerk

Approved as to Form:


JANICE D. MAGDICH
Deputy City Attorney

RESOLUTION NO. 2009-148

A RESOLUTION OF THE LODI CITY COUNCIL
AMENDING THE SAN JOAQUIN COUNTY MULTI-
SPECIES HABITAT CONSERVATION AND OPEN
SPACE PLAN DEVELOPMENT FEE

=====

WHEREAS, the City Council of the City of Lodi adopted an ordinance establishing the authority for collection of a Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for all new developments pursuant to the SJMSCP within the City of Lodi; and

WHEREAS, a "Fee Study" dated July 16, 2001, was prepared, which analyzed and identified the costs, funding, and cost-benefit of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan; and

WHEREAS, the purpose of the SJMSCP Development Fee is to finance the goals and objectives of the SJMSCP that include, but are not limited to, preserve land acquisition, preserve enhancement, land management, and administration that compensate for such lands lost as a result of future development in the City of Lodi and in San Joaquin County; and

WHEREAS, after considering the Fee Study and the testimony received at the public hearing, the Lodi City Council approved said report; and further found that the future development in the City of Lodi will need to compensate cumulative impacts to threatened, endangered, rare, and unlisted SJMSCP Covered Species and other wildlife and compensation for some non-wildlife related impacts to recreation, agriculture, scenic values and other beneficial Open Space uses; and

WHEREAS, an "Updated Fee Study" dated November 2, 2006, was prepared, which analyzed and identified the costs, funding, and indexing of the SJMSCP; and

WHEREAS, the SJMSCP Development Fees are divided into three categories: vernal pool habitat, natural land and agricultural habitat land, and multi-purpose open space conversion; and

WHEREAS, the SJMSCP Development Fees for these three categories will be increased consistent with the Updated Fee Study findings for the year 2010. A table illustrating the Development Fee increases for the three categories of land is attached hereto as Exhibit "A" and

WHEREAS, to ensure that the SJMSCP development fees keep pace with inflation, annual adjustments, based on the method set forth in this resolution, shall be made to the fees annually; and

WHEREAS, the Updated Fee Study with the SJMSCP and the fee amendment were available for public inspection and review in the office of the City Clerk for more than ten days prior to the date of this Public Hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

1. The City Council finds and declares that the purposes and uses of the Development Fee, and the determination of the reasonable relationship between the fees' uses and the type of development project on which the fees are imposed, are all established in Ordinance 1701, and remain valid, and the City Council therefore adopts such determinations.
2. The City Council finds and declares that since adoption of Ordinance 1701, the cost of land has increased in San Joaquin County; and that in order to maintain the reasonable relationship established by Ordinance 1701, it is necessary to increase the Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
3. The Development Fee for natural lands, agricultural land, vernal pool habitat and multi-purpose open space conversion shall be consistent with the table identified in Exhibit " A and attached hereto.
4. The Fee provided in this resolution shall be effective on January 1, 2010, which is at least sixty (60) days after the adoption of this resolution.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED that the City of Lodi City Council hereby approves the proposed Habitat Conservation and Open Space fee adjustment.

Dated: October 21, 2009

=====

I hereby certify that Resolution No. 2009-148 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 21, 2009, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katzakian, Mounce, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk



S J C O G, Inc.

EXHIBIT A

555 East Weber Avenue • Stockton, CA 95202

(209) 468-3913 • FAX (209) 468-1084

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

Larry Hansen
CHAIR

Ann Johnston
VICE CHAIR

Andrew T. Chesley
PRESIDENT

Member Agencies
CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

2010 Updated Habitat Fees*

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$7,307
Natural	\$ 14,615
Agriculture	\$ 14,615
Vernal Pool - uplands	\$ 42,071
Vernal Pool - wetted	\$ 80,766

* Effective January 1, 2010 – December 31, 2010

2010 Endowment Fees with In-lieu Land**

Type of Preserve	Enhancement Cost/acre	Land Management Cost/acre	TOTAL PER ACRE ENDOWMENT
Agricultural Habitat Lands	\$2,943.89	\$1,65968	\$4,603.57
Natural Lands	\$2,943.89	\$1,65968	\$4,603.57
Vernal Pool Habitat			
Vernal Pool Grasslands	\$554.38	\$6,073.69	\$6,628.07
Vernal Pool Wetted	\$39,249.51	\$6,073.69	\$45,323.20

for the preserve (Category B & C)



Please immediately confirm receipt of this fax by calling 333-6702

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER AMENDING AN ORDINANCE REGARDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN AND ADOPT RESOLUTION SETTING THE DEVELOPMENT FEES FOR 2010

PUBLISH DATE: SATURDAY, OCTOBER 10, 2009

LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P. O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, OCTOBER 8, 2009

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
Phoned to confirm receipt of all pages at _____ (time) JMR _____ CF _____ MB (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER AMENDING AN ORDINANCE REGARDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN AND ADOPT RESOLUTION SETTING THE DEVELOPMENT FEES FOR 2010

On Friday, October 9, 2009, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider reallocation of available Urban County Community Development Block Grant and HOME Program funding (attached and marked as Exhibit A) was posted at the following locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie *Forum*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2009, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER W. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

NOTICE OF PUBLIC HEARING

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, October 21, 2009, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **Introducing an ordinance amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and adopt resolution setting the development fees for 2010.**

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. **All** interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: October 7, 2009

Approved as to form:

D. Stephen Schwabauer
City Attorney