



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Conduct a Public Hearing to Consider Adoption of Resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees For 2011

MEETING DATE: November 17, 2010

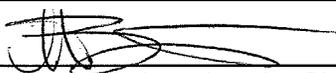
PREPARED BY: Community Development Department

RECOMMENDED ACTION: Conduct a Public Hearing to consider adoption of Resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2009.

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 Don-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.

According to the San Joaquin Council of Governments (SJCOG), it is necessary for all jurisdictions covered by the Plan to adopt the annual Habitat Conservation Plan (HCP) fees in order for those jurisdictions to continue to participate in the Plan. SJCOG adopted financial analysis model in late 2006 to calculate development fees. The Financial Analysis Model also established a formula method that provides for future annual adjustments of the fee schedule based on the established criteria. Utilizing this formula, the SJCOG has established a new fee schedule for 2011 (attachment). For 2011, the fees for all categories of habitat land have decreased. Open Space lands have decreased from \$7,307 to \$6,631 (by 9.25 percent). Agriculture and Natural lands (the two largest categories) have decreased by 9.26 percent from \$14,615 to \$13,262. Fees for Vernal Pool (grasslands) habitat lands decreased by 8.9 percent from \$42,071 to \$38,328 and Vernal Pool (wetted lands) decreased by 3.77 percent from \$80,766 to \$77,720. An explanation of the analysis methodology is included in the SJCOG staff report (attachment).

On August 11, 2010, The SJCOG Board unanimously approved the attached HCP fee schedule for 2011. All local jurisdictions are now being asked to adopt the new fee schedule that will take effect on January 1, 2011. These new development fee changes will take effect on January 1, 2011 and expire December 31, 2011. The fees will be paid by land owners who develop their property with projects that are subject to the fees.

APPROVED: 
Konradt Bartlam, Interim City Manager

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable



Konradt Bartlam
Community Development Director

KB/IB/kjc

Attachments:

- 1) SJCOG Staff Reportw/Fee Analysis Update summary
- 2) Habitat Conservation Plan 2011 and 2010 Fee Schedule

Staff Report

SUBJECT: 2011 SJMSCP Development Fees

RECOMMENDED ACTION: Motion to Approve the 2011 SJMSCP Development Fees as Adjusted Pursuant to Land Sale Comparables and Consumer Price Index

SUMMARY:

The final calculation of the 2011 SJMSCP Development Fees showed a significant decrease in all the habitat categories. SJCOG, Inc. staff calculated the fee in accordance with the SJMSCP and the financial analysis model adopted by the SJCOG, Inc. Board in late 2006. Staff is bringing the fees for the annual approval by the SJCOG, Inc. Board as required under the plan. If approved by the SJCOG, Inc. Board, SJCOG, Inc. staff shall notify each local jurisdiction regarding proposed annual adjustments to the SJMSCP development fees and require the local jurisdictions to adopt the current SJMSCP fee.

Per the financial analysis model adopted in late 2006, 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.

2011 SJMSCP Development Fees

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
Open Space	\$4,288.02	\$1,498.44	\$844.78	\$6,631.23	\$6,631
AG/Natural	\$8,576.04	\$2,996.88	\$1,689.55	\$13,262.47	\$13,262
Vernal Pool (grasslands)	\$31,580.64	\$564.36	\$6,183.02	\$38,328.02	\$38,328
Vernal Pool (wetted)	\$31,580.64	\$39,956.00	\$6,183.02	\$77,719.66	\$77,720

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

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 decrease to the Agricultural/Natural Habitat type of Category A (acquisition) component to be **\$8,576.04**.

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 **1.8%**.

The calculation results in an increase of the Agricultural/Natural Habitat type Category B (Assessment & Enhancement) component to be **\$2,996.88**.

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 **1.8%**.

The calculation results in an increase of the Agricultural/Natural Habitat type Category C (Management & Administration) component to be **\$1,689.55**.

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 decrease in the fees from the 2010 to the 2011 shown in the table below.

2011 SJMSCP Development Fees

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
Open Space	\$4,288.02	\$1,498.44	\$844.78	\$6,631.23	\$6,631
AG/Natural	\$8,576.04	\$2,996.88	\$1,689.55	\$13,262.47	\$13,262
Vernal Pool (grasslands)	\$31,580.64	\$564.36	\$6,183.02	\$38,328.02	\$38,328
Vernal Pool (wetted)	\$31,580.64	\$39,956.00	\$6,183.02	\$77,719.66	\$77,720

2010 SJMSCP Development Fees

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

During the August 2010 HTAC, the HTAC approved the recommendation to the SJCOG, Inc. Board for approval of the 2011 SJMSCP Development Fees and allowing SJCOG, Inc. staff to assist the local jurisdictions in adoption of the habitat fees.

RECOMMENDATION:

Staff recommends the SJCOG, Inc. Board approve the 2011 SJMSCP Development Fees as Adjusted Pursuant to Land Sale Comparables and Consumer Price Index and direct staff to work with local jurisdictions in adopting the current fee.

Prepared by: Steve Mayo, Senior Habitat Planner

M:\STAFFRPT\2010\August\Board\2011 SJMSCP Development Fees



SJCOG, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 235-0600 • FAX (209) 235-0438

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

Ann Johnston
CHAIR

Chuck Winn
VICE CHAIR

Andrew T. Chesley
PRESIDENT

Member Agencies

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

2011 Updated Habitat Fees*

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$6,631
Natural	\$ 13,262
Agriculture	\$ 13,262
Vernal Pool - uplands	\$ 38,328
Vernal Pool - wetted	\$ 77,720

* Effective January 1, 2011 – December 31, 2011

2011 Endowment Fees with In-lieu Land**

Type of Preserve	Enhancement Cost/acre	Land Management Cost/acre	TOTAL PER ACRE ENDOWMENT
Agricultural Habitat Lands	\$2,996.88	\$1,689.55	\$4,686.43
Natural Lands	\$2,996.88	\$1,689.55	\$4,686.43
Vernal Pool Habitat			
<i>Vernal Pool Grasslands</i>	\$564.36	\$6,183.02	\$6,747.38
<i>Vernal Pool Wetted</i>	\$39,956.00	\$6,183.02	\$46,139.02

** Effective January 1, 2011 – December 31, 2011 in lieu of fees to be used as the endowment for the dedicated land preserves (Category B + C)

VELB Mitigation

A special fee category shall apply when removal of elderberries occurs. The fee shall be paid to SJCOG, Inc. or a VELB mitigation bank approved by the Permitting Agencies. The current fee, as established in the VELB Conservation Fund Account managed by the Center for Natural Lands Management, and approved by the USFWS, is \$1,800 per VELB Unit (one unit= one stem over 1" in diameter at ground level which is removed). Fees shall be established by the JPA during preconstruction surveys (i.e., counts of stems to be removed with and without exit holes shall be completed during preconstruction surveys) and shall be paid to the JPA prior to ground disturbance or stem removal, whichever comes first.



S J C O G, Inc.

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			
<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)

RESOLUTION NO. 2010-200

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 decreased consistent with the Updated Fee Study findings for the year 2011. A table illustrating the Development Fee decreases 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 decreased in San Joaquin County; and that in order to maintain the reasonable relationship established by Ordinance 1701, it is necessary to decrease 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, 2011

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED that the Lodi City Council hereby approves the proposed Habitat Conservation and Open Space fee adjustment as shown on Exhibit A attached.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-200 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

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

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk



SJCOG, Inc.

EXHIBIT A

555 East Weber Avenue • Stockton, CA 95202

(209) 235-0600 • FAX (209) 235-0438

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

Ann Johnston
CHAIR

Chuck Wynn
VICE CHAIR

Andrew T. Chesley
IPRESIDENT

Member Agencies
CITIES OF
ESCALON,
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*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 ADOPTION OF RESOLUTION
SETTING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT
CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEES FOR
2011**

PUBLISH DATE: SATURDAY, NOVEMBER 6, 2010

LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
LNS ACCT. #0510052
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, NOVEMBER 4, 2010

**ORDERED BY: RANDI JOHL
CITY CLERK**

Jennifer M Robison
JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

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

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



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTION SETTING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEES FOR 2011

On Friday, November 5, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adoption of resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2011 (attached and marked as Exhibit A) was posted at the following locations:

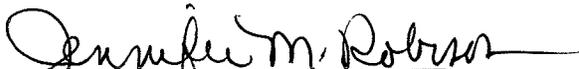
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

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

Executed on November 5, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 17, 2010

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Jehl
City Clerk
Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 17, 2010**, 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) **Adoption of resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2011.**

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 Jehl
City Clerk

Dated: November 3, 2010

Approved as to form:

D. Stephen Schwabauer
City Attorney