

**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 2012

**MEETING DATE:** November 2, 2011

**PREPARED BY:** Community Development Department

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**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 2012.

**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.

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 2012 (attachment). For 2012, the per acre fees for all categories of habitat land have increased. Open Space lands have increased from \$6,631 to \$7,195 (by 8.15 percent). Agriculture and Natural lands (the two largest categories) have increased by 8.37 percent from \$13,262 to \$14,372. Fees for Vernal Pool (grasslands) habitat lands increased by 8.36 percent from \$38,328 to \$41,534 and Vernal Pool (wetted lands) increased by 5.49 percent from \$77,720 to \$81,989. An explanation of the analysis methodology is included in the SJCOG staff report (attachment).

On Thursday, September 22, 2011, The SJCOG Board unanimously approved the attached HCP fee schedule for 2012. All local jurisdictions are now being asked to adopt the new fee schedule that will take effect on January 1, 2012. These new development fee changes will take effect on January 1, 2012 and expire December 31, 2012. The fees will be paid by land owners who develop their property with projects that are subject to the fees.

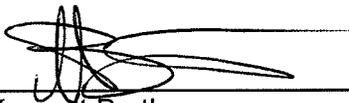
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APPROVED: \_\_\_\_\_

Konradt Bartlam, City Manager

**FISCAL IMPACT:** Not Applicable

**FUNDING AVAILABLE:** Not Applicable



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Konrad Bartlam  
Community Development Director

KB/IB/kjc

Attachments:

- 1) SJCOG Staff Report w/Fee Analysis Update summary

# Staff Report

**SUBJECT:** 2012 SJMSCP Development Fees

**RECOMMENDED ACTION:** Motion to Approve the 2012 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 mid-2011 for current and future 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 1<sup>st</sup> of the subsequent year for projects using the SJMSCP.

The result was an increase in the fees from 2011 to 2012 shown in the table 1 and 2 below.

**Table 1 - 2012 SJMSCP Development Fees**

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
<b>Open Space</b>	\$4,770.60	\$1,538.90	\$885.03	\$7,194.54	<b>\$7,195</b>
<b>AG/Natural</b>	\$9,541.21	\$3,077.79	\$1,752.62	\$14,371.62	<b>\$14,372</b>
<b>Vernal Pool (grasslands)</b>	\$34,587.00	\$579.60	\$6,367.41	\$41,534.01	<b>\$41,534</b>
<b>Vernal Pool (wetted)</b>	\$34,587.00	\$41,034.82	\$6,367.41	\$81,989.22	<b>\$81,989</b>

*Table 2 - 2011 SJMSCP Development Fees*

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

Projects which participate under the SJMSCP benefit from a pre-determined streamlined processing of the project rather than navigating through a very long and cumbersome regulatory process led by local jurisdiction staff outside the habitat plan. By opting for participation, the project can choose any number of ways to provide mitigation for the impacts of the project through the plan:

1. Pay a fee;
2. Redesign the project to avoid/minimize impacts;
3. Provide land in lieu of the SJMSCP fee which the project will negotiate the easement/fee title costs; or
4. Any combination of the above options.

Or, the project proponent can chose to not participate in the plan and fulfill mitigation requirements on their own with both permitting agencies.

## **DISCUSSION:**

Establishing a development fee for the habitat plan has challenges which are as unique as the habitat plan itself. In 2005, after four years of plan implementation, SJCOG, Inc. determined the fee established under the original financial model was inadequate to support the program. A new financial analysis was undertaken to determine what the fee should be to keep the plan viable and, further, to provide criteria for annually updating the fee. The goal was to establish the fee and an update mechanism that would give SJCOG, Inc, the permit holders (cities and county), and project proponents a stable methodology that would accurately reflect easement market conditions.

Based upon the 2006 Financial Analysis, to establish the SJMSCP fee for each year, SJCOG, Inc. staff pulls comparable agricultural land sales within San Joaquin County which fit the adopted criteria by the SJCOG, Inc. Board from as many sources (i.e. title companies, Multiple Listing Service- MLS, etc.) as possible to develop a good sampling. The purpose of the sampling of comparable land sales fitting the criteria is to identify actual land trends of fee title land purchases. Fee title price sets the primary component of the SJMSCP fee, easement acquisition costs, which represent lands that could be used as mitigation under the habitat plan. The established 2006 Financial Analysis process to collect the comparables uses a minimum of 10 land sales fitting the criteria that have transacted within the past 2-year window. If there are not the 10 minimum comparables, the window is expanded in 6-month blocks until 10 are reached.

There is an inherent issue in the use of available information through public records of land sale comparables. It is quite volatile from year to year as shown in Table 3 below of the SJMSCP fees from 2007 to current. The volatility and fluctuation of the fees is primarily a result of the acquisition component of the fee. Whether the volatility comes from the agricultural crop market, speculation of rights, or availability of land, the SJMSCP fees have fluctuated up and down over the years.

Table 3 – History of SJMSCP Fees since the 2007 Financial Analysis Update

<b>YEAR</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<i>Multi-purpose</i>	\$6,511	\$6,165	\$7,052	\$7,307	\$6,631
<i>Agriculture</i>	\$13,022	\$12,329	\$14,104	\$14,615	\$13,262
<i>Natural</i>	\$13,022	\$12,329	\$14,104	\$14,615	\$13,262
<i>Vernal Pool (wetted)</i>	\$69,858 (wetted)	\$71,125 (wetted)	\$78,353 (wetted)	\$80,760 (wetted)	\$77,720 (wetted)
<i>Vernal Pool (upland)</i>	\$34,958 (upland)	\$35,143 (upland)	\$40,565 (upland)	\$42,071 (upland)	\$38,328 (upland)

To compound the matter, state law allows parties completing the transactions the option to not disclose the final transaction costs in public records. When the costs are not disclosed, staff cannot calculate any components of the sale, therefore the transaction is automatically omitted from the process which skews the available sample size. The results of a small sample size of qualified land comparables within the 2-year period can mean a large swing in the fee from year to year.

SJCOG, Inc. staff recognizes the issue and is continuing to work with the HTAC Financial Subcommittee on the matter for resolution in the future years.

#### **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 2006 Financial Analysis Update created by EPS and recently updated in mid-2011 by the Habitat Technical Advisory Financial Sub-Committee and SJCOG, Inc. approval. 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 30<sup>th</sup> 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 an increase to the Agricultural/Natural Habitat type of Category A (acquisition) component to be **\$9,541.21**.

***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 **2.7%**.

The calculation results in an increase of the Agricultural/Natural Habitat type Category B (Assessment & Enhancement) component to be **\$3,077.79**.

***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 **2.7%**.

The calculation results in an increase of the Agricultural/Natural Habitat type Category C (Management & Administration) component to be **\$1,752.62**.

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 an increase in the fees from the 2011 to the 2012 shown in the table below.

**2012 SJMSCP Development Fees**

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
<b>Open Space</b>	\$4,770.60	\$1,538.90	\$885.03	\$7,194.54	<b>\$7,195</b>
<b>AG/Natural</b>	\$9,541.21	\$3,077.79	\$1,752.62	\$14,371.62	<b>\$14,372</b>
<b>Vernal Pool (grasslands)</b>	\$34,587.00	\$579.60	\$6,367.41	\$41,534.01	<b>\$41,534</b>
<b>Vernal Pool (wetted)</b>	\$34,587.00	\$41,034.82	\$6,367.41	\$81,989.22	<b>\$81,989</b>

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

The SJMSCP process allows projects which participate under the county-wide habitat plan to realize pre-determined streamlined processing of the project through an otherwise cumbersome regulatory process in a much shorter period of time and cost than navigating outside the plan. By opting for participation and realizing the benefits of the SJMSCP, the project can choose any number of ways to mitigate the impacts of the project through the plan. The SJMSCP allows projects to choose one or multiple mitigation options like simply pay a fee, redesign the project to avoid/minimize impacts, provide land in lieu of the SJMSCP fee which the project will negotiate the costs on their own, or a combination of the options.

After discussion at the September 2011 HTAC meeting, the HTAC committee recommended approval by SJCOG, Inc. Board to adopt the 2012 SJMSCP Development Fees under the habitat plan by a 7-2 vote (BIA and City of Lodi opposing).

**RECOMMENDATION:**

Staff recommends the SJCOG, Inc. Board adopt the 2012 SJMSCP Development Fees.

*Prepared by: Steve Mayo, Senior Habitat Planner  
M:\STAFFRPT\2011\September\Board\2012 SJMSCP Development Fees*

Attachment 1 - SJMSCP Comparable Land Sales

Table A. *Central Zone Properties*

	Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Hab Type	Appreciated Price	Appreciated Price/Acre
Prior 46	16475 Brennan Rd, Escalon, CA	229-050-09	Central	08/21/2009	\$2,000,000.00	79.71	\$25,090.95	C34	\$2,223,666.67	\$27,896.96
Prior 4	11386 Liberty Rd, Galt, CA	007-130-17	Central	10/05/2009	\$645,000.00	73.04	\$8,830.78	G	\$710,575.00	\$9,728.57
Prior 54	29043 S. Lehman Rd, Tracy, CA	253-330-11	CSW	10/30/2009	\$556,000.00	40.07	\$13,875.72	C34	\$612,526.67	\$15,286.42
Prior 13	25000 N. Mackville Rd, Clements, CA	021-150-24	Central	02/18/2010	\$900,000.00	105.29	\$8,547.82	G	\$973,200.00	\$9,243.04
Prior 28	12312 N. Tully Rd, Lodi, CA	065-040-42	Central	05/12/2010	\$260,000.00	40.14	\$6,477.33	C34	\$277,181.67	\$6,905.37
ORT 178	12005 S Austin Road, Manteca, CA	201-070-04	Central	10/27/2010	\$480,000.00	40.00	\$12,000.00	C34	\$499,520.00	\$12,488.00
ORT 211	3300 W Tredway Rd, Lodi, CA	055-180-03	Central	12/30/2010	\$697,000.00	60.00	\$11,616.67	C34	\$718,258.50	\$11,970.98
	* SICOG, Inc. Preserves									
			<b>TOTAL</b>		<b>\$5,538,000.00</b>	<b>438.25</b>	<b>\$12,636.62</b>		<b>\$6,014,928.50</b>	<b>\$13,724.88</b>

Table B. *Delta Properties*

	Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Hab Type	Appreciated Price	Appreciated Price/Acre
Prior 9	20207 Van Exel Rd, Lodi, CA	011-100-11	Delta	07/29/2009	\$420,000.00	43.50	\$9,655.17	C34	\$469,105.00	\$10,784.02
Prior 41	16321 Wing Levee Rd, Stockton, CA	189-230-16	Delta	10/07/2009	\$575,000.00	51.98	\$11,061.95	C34	\$633,458.33	\$12,186.58
Prior 40	14646 W. Fink Rd, Tracy, CA	189-050-30	Delta	06/19/2010	\$1,156,000.00	166.63	\$6,937.53	C34	\$1,226,516.00	\$7,360.72
			<b>TOTAL</b>		<b>\$2,151,000.00</b>	<b>262.11</b>	<b>\$8,206.48</b>		<b>\$2,329,079.33</b>	<b>\$8,885.89</b>

Table C. *Southwest Zone Properties*

	Address	APN	Zone	Sale Date	Price	Acres	Price/Acre	Hab Type	Appreciated Price	Appreciated Price/Acre
ORT 164	18550 W Corral Hollow Rd, Tracy, CA	263-200-17	SW	08/06/2010	\$180,000.00	240	\$750.00	BCN2	\$180,000.00	\$750.00
	<b>Rustan Coldwell 210*</b>		SW	06/01/2010	\$174,930.00	210	\$833.00	G	\$174,930.00	\$833.00
	<b>Cubiburu*</b>		SW	03/02/2011	\$600,000.00	600	\$1,000.00	G	\$600,000.00	\$1,000.00
	* SICOG, Inc. Preserves		<b>TOTAL</b>		<b>\$774,930.00</b>	<b>810</b>	<b>\$956.70</b>		<b>\$774,930.00</b>	<b>\$956.70</b>

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	\$676,500.00	\$3,760.21
	Rurup Trust / Supprenant		Delta	01/09/2004	\$425,000.00	195	\$2,179.49	C34	\$519,562.50	\$2,664.42
	Hammer Trust / Morais		Delta	06/25/2004	\$854,000.00	388.89	\$2,195.99	C34	\$1,033,340.00	\$2,657.15
	Nature Conservancy		Delta	07/22/2004	\$658,000.00	328.8	\$2,001.22	C34	\$794,535.00	\$2,416.47
	Heritage Land Co. / Olagaray Bros PTP		Delta	04/13/2005	\$712,000.00	215.64	\$3,301.80	C34	\$843,720.00	\$3,912.63
	<b>Wing Levee Propety**</b>		Delta	11/09/2007	\$2,200,000.00	361.27	\$6,089.63	C34	\$2,436,500.00	\$6,744.26
	** SICOG, Inc. Preserve		<b>TOTAL</b>		<b>\$5,399,000.00</b>	<b>1,669.51</b>	<b>\$3,233.88</b>		<b>\$6,304,157.50</b>	<b>\$3,776.05</b>

10 comparables required for Study

Attachment 2 - SJMSCP Fee Model

2012 Fees	Acquisition Costs	Assessment & Enhancement	Management and Administration	Total	Total Rounded
Other Open Space	\$4,770.60	\$1,538.90	\$885.03	\$7,194.54	<b>\$7,195</b>
Natural/Ag Lands	\$9,541.21	\$3,077.79	\$1,752.62	\$14,371.62	<b>\$14,372</b>
Vernal Pool Grasslands	\$34,587.00	\$579.60	\$6,367.41	\$41,534.01	<b>\$41,534</b>
Vernal Pool Wetted	\$34,587.00	\$41,034.82	\$6,367.41	\$81,989.22	<b>\$81,989</b>

Calculations:

Table 1 *Per-Acre Land Value Summary*  
SJMSCP 2012 Fee Evaluation

Land Use		Central Zone	Primary Zone of the Delta	Southwest Zone***
Fee Title	a*	\$13,725	\$8,886	\$2,448
Row Crops/Grazing	b**	\$3,776	\$3,526	\$500
Easement Costs	a-b	\$9,949	\$5,360	\$1,000

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

than that of the Central 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*

SJMSCP 2012 Fee Evaluation		SJMSCP Zone			Total Weighted Acquisition Cost A+B+C
		Central Zone A	Primary Zone of the Delta B	Southwest Zone C	
<b>Land Use Category</b>					
Easement Cost by Zone (1)	d	\$9,949	\$5,360	\$1,000	
<b>Natural Lands</b>					
Riparian					
Percent in Zone (2)	e	89%	11%	0%	
Weighted Costs (3)	d*e	\$8,854.61	\$589.60	\$0.00	<b>\$9,444.21</b>
Delta Submerged Aquatic					
Percent in Zone (2)	f	0%	100%	0%	
Weighted Costs (3)	d*f	\$0	\$5,360	\$0	<b>\$5,360</b>
Other Water's Edge					
Percent in Zone (2)	g	100%	0%	0%	
Weighted Costs (3)	d*g	\$9,949	\$0	\$0	<b>\$9,949</b>
Southwest Grasslands					
Percent in Zone (2)	h	0%	0%	100%	
Weighted Costs (3)	d*h	\$0	\$0	\$1,000	<b>\$1,000</b>
Vernal Pool Wetted (4)		n/a	n/a	n/a	<b>\$10,980</b>
Vernal Pool Grasslands (4)		n/a	n/a	n/a	<b>\$10,980</b>
<b>Agricultural Lands</b>					
Percent in Zone (2)	i	97%	3%	0%	

Attachment 2 - SJMSCP Fee Model

Weighted Costs (3)	d*i	\$9,650.53	\$160.80	\$0.00	<b>\$9,811.33</b>
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(1) See Table 2.

(2) Percent of total lands in each category assumed to be in a given zone. Based on 1996 Economic Analysis 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 2012 Fee Evaluation

Preserve Types	Cost per Acre (1)	Transaction Costs (2) 5%	Total Land Acquisition Costs
Agricultural Lands	\$9,811.33	\$490.57	<b>\$10,301.90</b>
Natural Lands			
Riparian	\$9,444.21	\$472.21	<b>\$9,916.42</b>
Delta Submerged Aquatic	\$5,360.00	\$268.00	<b>\$5,628.00</b>
Other Water's Edge	\$9,949.00	\$497.45	<b>\$10,446.45</b>
Southwest Grasslands	\$1,000.00	\$50.00	<b>\$1,050.00</b>
Vernal Pool Wetted	\$10,980.00	\$549.00	<b>\$11,529.00</b>
Vernal Pool Grasslands	\$10,980.00	\$549.00	<b>\$11,529.00</b>

(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 2021 Fee Evaluation

Preserve Type	Land Acquisition	% of Total Preserve Lands	Total Preserve Acres	Total Costs of Acquisition
Agricultural Lands	\$10,301.90	57%	57,635	<b>\$593,749,804.78</b>
Natural Lands				
Riparian	\$9,916.42	19%	19,185	<b>\$190,246,527.29</b>
Delta	\$5,628.00	0%	10	<b>\$56,280.00</b>
Other Water's Edge	\$10,446.45	2%	1,584	<b>\$16,547,176.80</b>
Southwest Grasslands	\$1,050.00	4%	4,146	<b>\$4,353,300.00</b>
Average of Natural/Ag Lands	\$9,749.92	82%	82,560	<b>\$804,953,088.87</b>
Vernal Pool Wetted	\$11,529.00	2%	354	<b>\$4,081,266.00</b>
Vernal Pool Grasslands	\$11,529.00	16%	17328	<b>\$199,774,512.00</b>

Table 5 **Total Preserve Costs, Breakdown by Category**

Attachment 2 - SJMSCP Fee Model

*SJMSCP 2012 Fee Evaluation*

Preserve Type	Total Preserve Acres	Acquisition Costs	
		Per Acre	Total
Vernal Pool Wetted	2,121	\$11,529.00	<b>\$24,453,009.00</b>
Vernal Pool Grasslands	15,561	\$11,529.00	<b>\$179,402,769.00</b>
Nat/Ag Lands	82,860	\$9,749.92	<b>\$807,878,063.76</b>
<b>Total</b>	<b>100,542</b>		<b>\$1,011,733,841.76</b>

Table 6 *Vernal Pool Surface and Grasslands / Acquisition Component*

*SJMSCP 2012 Fee Evaluation*

Preserve Type	Acres Converted	Acquisition Costs
<b>Vernal Pool Wetted</b>	707	
Total Cost		\$24,453,009.00
Fee per Acre		<b>\$34,587.00</b>
<b>Vernal Pool Grasslands</b>	5,187	
Total Cost		\$179,402,769.00
Fee per Acre		<b>\$34,587.00</b>

Table 7 *Nat/Ag Land and Open Space / Acquisition Component*

*SJMSCP 2012 Fee Evaluation*

Preserve Type	Land Acquisition		Total
	Land Acquisition	Transaction	
Cost associated with Nat/Ag Lands Conversion	\$767,484,160.57	\$40,393,903.19	<b>\$807,878,063.76</b>
Nat/Ag Land Conversion	65,940	65,940	<b>65,940</b>
Other Open Space Conversion	37,465	37,465	<b>37,465</b>
Multiplier for Nat/Ag Land Conversion	1	1	<b>1</b>
Multiplier for Other Open Space	0.5	0.5	<b>0.5</b>
<b>Land Acquisition Component of Nat/Ag Lands Fee</b>	<b>\$9,064.15</b>	<b>\$477.06</b>	<b>\$9,541.21</b>

Table 8 *Cat B & C Fee Component Calcs*

*SJMSCP 2012 Fee Evaluation*

Fee	% of Land Preser.	Cal CPI	
		Assessment & Enhancement	Management and Administration
		B	C
Other Open Space		\$1,538.90	\$885.03
Natural/Ag Lands	82%	\$3,077.79	\$1,752.62
Vernal Pool Grasslands	16%	\$579.60	\$6,367.41
Vernal Pool Wetted	2%	\$41,034.82	\$6,367.41

\$17.45 per acre added to Cat C in 2012 only

RESOLUTION NO. 2011-174

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

=====

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 1707, and remain valid, and the City Council therefore adopts such determinations.
2. The City Council finds and declares that since adoption of Ordinance 1707, the cost of land has decreased in San Joaquin County; and that in order to maintain the reasonable relationship established by Ordinance 1707, 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, 2012.

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

Dated: November 2, 2011

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I hereby certify that Resolution No. 2011-174 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2011, by the following vote:

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

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)**

Chuck Winn  
CHAIR

Ken Vogel  
VICE CHAIR

Andrew T. Chesley  
PRESIDENT

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

**2012 Updated Habitat Fees\***

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$7,195
Natural	\$ 14,372
<b>Agriculture</b>	<b>\$ 14,372</b>
Vernal Pool - uplands	\$ 41,534
Vernal Pool - wetted	\$ 81,989

\* Effective January 1, 2012 – December 31, 2012

**2012 Endowment Fees with In-lieu Land\*\***

Type of Preserve	Enhancement Cost/acre	Land Management Cost/acre	TOTAL PER ACRE ENDOWMENT
<b>Agricultural Habitat Lands</b>	\$3,077.79	\$1,752.62	<b>\$4,830.41</b>
<b>Natural Lands</b>	\$3,077.79	\$1,752.62	<b>\$4,830.41</b>
<b>Vernal Pool Habitat</b>			
<i>Vernal Pool Grasslands</i>	\$579.60	\$6,367.41	<b>\$6,947.01</b>
<i>Vernal Pool Wetted</i>	\$41,034.83	\$6,367.41	<b>\$47,402.23</b>

dedicated lend 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.



*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 A RESOLUTION  
SETTING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT  
CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEES FOR  
2012

**PUBLISH DATE:** SATURDAY, OCTOBER 22, 2011

**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, OCTOBER 20, 2011

**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**

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 ADOPTION OF A RESOLUTION SETTING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEES FOR 2012**

On Thursday, October 20, 2011, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adoption of a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2012 (attached and marked as Exhibit A) was posted at the following locations:

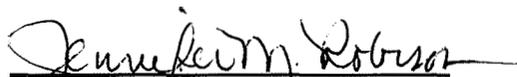
Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

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

Executed on October 20, 2011, 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 2, 2011

Time: 7:00 p.m.

For information regarding this notice please contact:

**Randi Johl**

**City Clerk**

**Telephone: (209) 333-6702**

**EXHIBIT A**

### IC OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, November 2, 2011**, 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 a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2012.**

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, 2<sup>nd</sup> 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 19, 2011**

Approved as to form:

D. Stephen Schwabauer  
City Attorney