

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

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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

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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 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
<b>Agricultural Habitat Lands</b>	\$2,996.88	\$1,689.55	<b>\$4,686.43</b>
<b>Natural Lands</b>	\$2,996.88	\$1,689.55	<b>\$4,686.43</b>
<b>Vernal Pool Habitat</b>			
<i>Vernal Pool Grasslands</i>	\$564.36	\$6,183.02	<b>\$6,747.38</b>
<i>Vernal Pool Wetted</i>	\$39,956.00	\$6,183.02	<b>\$46,139.02</b>

\*\* 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.