

OAKLEY



CALIFORNIA


Agenda Date: 06/27/2017

Agenda Item: 3.6

STAFF REPORT

Date: Tuesday, June 27, 2017
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, P.E. Public Works Director/ City Engineer

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

SUBJECT: Authorize the payment of an Administrative Fee for East Contra Costa County Habitat Conservation Plan /Natural Community Conservation Plan (HCP/NCCP) for CIP 194 - Oakley Recreation Center Project

Background and Analysis

The East Contra Costa County Habitat Conservancy is a joint exercise of powers authority formed by the Cities of Brentwood, Clayton, Oakley and Pittsburg and Contra Costa County to implement the East Contra Costa County Habitat Conservation Plan /Natural Community Conservation Plan (HCP/NCCP). The HCP/NCCP provides a framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species. The HCP/NCCP will allow Contra Costa County, the Contra Costa County Flood Control and Water Conservation District, the East Bay Regional Park District and the Cities of Brentwood, Clayton, Oakley, and Pittsburg to control endangered species permitting for activities and projects in the region that they perform or approve. This plan also provides for comprehensive species, wetlands, and ecosystem conservation and contributes to the recovery of endangered species in northern California. The plan avoids project-by-project permitting that is generally costly and time consuming for applicants and often results in uncoordinated and biologically ineffective mitigation.

Development of the Oakley Recreation Center site is subject to compliance with the HCP/NCCP. The City hired the services of Wood Biological Consulting, Inc. to conduct a Planning Survey Report, which was completed and accepted by staff on May 9, 2017.

Mitigation as a result of the Planning Survey Report resulted in the need for pre-construction surveys prior to site disturbance, and payment of the HCP/NCCP Administrative Fee (adopted by City Council Resolution No. 112-07 & 124-07). The amount of the fee for the entire site is \$63,170.97.

For private development projects, staff collects the fee and then remits it to the HCP Association ("HCPA") four times a year. Since this is a City sponsored project; upon adoption of the attached resolution, staff will transfer the proper amount to the HCP holding fund and remit it to the HCPA at the next payment date.

Fiscal Impact

The funding for this fee will come from the project's budget of \$8,000,000 from General Capital Fund.

Staff Recommendation

Staff recommends that the City Council authorize payment of the \$63,170.97 HCP/NCCP fee for the new Oakley Recreation Center project to keep this project in compliance with the HCP/NCCP regulations.

Attachments

- 1) East Contra Costa County Habitat Conservation Plan /Natural Community Conservation Plan (HCP/NCCP) Fee Calculation Sheet
- 2) Resolution

ECCC HCP/NCCP 2017 Fee Calculator Worksheet

Permanent Impacts

PROJECT APPLICANT: City of OakleyPROJECT NAME: Oakley Recreation CenterAPN(s): 035-211-022JURISDICTION: City of Oakley

DATE: _____

<u>DEVELOPMENT FEE</u>		ACREAGE		2017 FEE PER ACRE (SUBJECT TO CHANGE) ²		
		PERMANENTLY IMPACTED (TABLE 1) ¹				
See appropriate ordinance or HCP/NCCP Figure 9-1 to determine Fee Zone	Fee Zone 1	4.29	x	\$14,711.45	=	\$63,170.97
	Fee Zone 2		x	\$29,422.91	=	\$0.00
	Fee Zone 3		x	\$7,356.34	=	\$0.00
	Development Fee Total					=

<u>WETLAND MITIGATION FEE</u>		ACREAGE		2017 FEE PER ACRE (SUBJECT TO CHANGE) ²		
		PERMANENTLY IMPACTED (TABLE 1) ¹				
	Riparian woodland / scrub	0.000	x	\$76,433.07	=	\$0.00
	Perennial Wetland	0.000	x	\$104,592.62	=	\$0.00
	Seasonal Wetland	0.000	x	\$226,617.33	=	\$0.00
	Alkali Wetland	0.000	x	\$214,548.95	=	\$0.00
	Ponds	0.000	x	\$113,979.13	=	\$0.00
	Aquatic (open water)	0.000	x	\$57,660.03	=	\$0.00
	Slough / Channel	0.000	x	\$130,070.30	=	\$0.00
<u>STREAMS</u>		LINEAR FEET		2017 FEE PER LINEAR FT (SUBJECT TO CHANGE) ²		
		PERMANENTLY IMPACTED (TABLE 1)				
	Streams 25 feet wide or less	0.00	x	\$623.14	=	\$0.00
	Streams greater than 25 feet wide	0.00	x	\$938.65	=	\$0.00
Wetland Mitigation Fee Total					=	\$0.00

<u>FEE REDUCTION³</u>			
	Development Fee reduction for land in lieu of fee	=	_____
	Development Fee reduction (up to 33%) for permanent assessments	=	_____
	Wetland Mitigation Fee reduction for wetland restoration/creation performed by applicant	=	_____
	Reduction Total	=	\$0.00

<u>FINAL FEE CALCULATION</u>			
	Development Fee Total	=	\$63,170.97
	Wetland Mitigation Fee Total	+	\$0.00
	Fee Subtotal	=	\$63,170.97
	Contribution to Recovery	+	_____
	TOTAL AMOUNT TO BE PAID	=	\$63,170.97

¹ City/County planning staff will consult the land cover map in the Final HCP/NCCP and will reduce the acreage subject to the Development Fee by the acreage of the subject property that was identified in the Final HCP/NCCP as urban, turf, landfill or aqueduct land cover.

² Development Fees are adjusted annually according to a formula that includes both a Home Price Index (HPI) and a Consumer Price Index (CPI). The Wetland Mitigation Fees are adjusted according to a CPI. The Conservancy conducted the 2013 periodic fee audit required by the HCP/NCCP. Action by the County and participating cities is pending, which could result in adjustments to some or all fees in 2017.

³ Fee reductions must be reviewed and approved by the Conservancy.

RESOLUTION NO. __-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
AUTHORIZING PAYMENT OF \$63,170.97 TO EAST CONTRA COSTA COUNTY
HABITAT CONSERVATION PLAN /NATURAL COMMUNITY CONSERVATION
PLAN (HCP/NCCP) FEE FOR CIP 194 - OAKLEY RECREATION CENTER
PROJECT**

WHEREAS, the East Contra Costa County Habitat Conservancy is a joint exercise of powers authority formed by the Cities of Brentwood, Clayton, Oakley and Pittsburg and Contra Costa County; and

WHEREAS, the HCP/NCCP provides a framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species ; and

WHEREAS, the new Oakley Recreation Center project site falls under the regulations and fees of the HCP/NCCP; and

WHEREAS, the HCP/NCCP fee for this project is \$63,170.97; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley to authorize payment of \$63,170.97 for an HCP/NCCP fee for the new CIP 194 - Oakley Recreation Center project.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 27th of June, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Sue Higgins, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date