

Agenda Item 7(b)

**Resolution Adopting the 2022 East Contra Costa County
Habitat Conservation Plan/Natural Community
Conservation Plan (HCP/NCCP) Mitigation Fee Audit and
Nexus Study and Update of the East Contra Costa
County HCP/NCCP Mitigation Fees, and
Finding the Action to be Exempt from the
California Environmental Quality Act (CEQA)**

Clayton City Council Meeting, July 18, 2023

Agenda Item 7(b):

***2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study and
Update of the East Contra Costa County HCP/NCCP Mitigation Fees***

- ▶ The HCP/NCCP presents a regionally-coordinated approach to permitting, conservation and protection of sensitive species, their habitats, and other unique natural resources in eastern Contra Costa County.
- ▶ Developers conduct limited biological resources surveys, pay fees or dedicate land according to a prescribed schedule and methodology, and implement pre-defined avoidance measures outlined in the HCP/NCCP.
- ▶ Fees paid or land dedicated to the HCP/NCCP Conservancy (the oversight agency for the HCP/NCCP) are then used by the Conservancy to establish preservation areas or construct restoration projects in East County.
- ▶ The HCP/NCCP creates a more streamlined permitting process for development and facilitates establishment of large restoration and preservation areas with greater environmental value than scattered and disconnected mitigation projects that could result from permitting multiple projects individually.

Agenda Item 7(b):**2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study and Update of the East Contra Costa County HCP/NCCP Mitigation Fees**

- On November 6, 2007, the City Council adopted Ordinance No. 412 amending Clayton Municipal Code (CMC) to add chapter 16.55, Habitat Conservation Plan Implementation. CMC section 16.55.060, HCP/NCCP Implementation and Administration Fees, authorizes the City to impose and amend a Development Fee, a Wetland Mitigation Fee, and an HCP/NCCP Administration Fee on certain development projects to which the Ordinance is applicable.
- The HCP/NCCP and section 4.D of Clayton City Council Resolution No. 48-2007 establishing the fees require automatic annual adjustments to the Development Fee and Wetland Mitigation Fee based on economic indices, on March 15 of each year. The HCP/NCCP requires more comprehensive, periodic audits in years 3, 6, 10, 15, 20 and 25 of the HCP/NCCP's implementation to assess whether changes in the cost to implement the HCP/NCCP over time require a different adjustment of the fees.
- Each of the East Contra Costa County HCP/NCCP's participating agencies—the cities of Brentwood, Clayton, Oakley and Pittsburg, and Contra Costa County for unincorporated East County lands—must now take action to adopt the 2022 Mitigation Fee Audit and Nexus Study and its updated fees, as adjusted to include automatic annual adjustments since the February 2023 completion of the audit.

Recommended Mitigation Fee Schedule Based on 2022 Fee Study

Land Cover	Fee Basis	Current 2023 Fee	Updated 2023 Fee Based on 2022 Fee Study	Change from Current 2023 Fee
Development Fee				
Zone I	per acre	\$19,611.52	\$19,871.91	1.31%
Zone II	per acre	\$39,223.04	\$39,743.83	1.31%
Zone III	per acre	\$9,805.76	\$9,935.96	1.31%
Wetland Mitigation Fee				
Riparian Woodland/Scrub	per acre	\$110,667.08	\$111,060.40	0.35%
Perennial Wetland	per acre	\$167,718.29	\$170,908.06	1.87%
Seasonal Wetland	per acre	\$392,489.03	\$401,479.18	2.24%
Alkali Wetland	per acre	\$396,778.59	\$405,871.63	2.24%
Ponds	per acre	\$215,976.51	\$221,421.23	2.46%
Aquatic (Open Water)	per acre	\$107,988.87	\$110,711.14	2.46%
Slough/Channel	per acre	\$154,206.78	\$156,815.09	1.66%
Streams (<=25 feet wide)	per linear foot	\$569.07	\$580.00	1.88%
Streams (>25 feet wide)	per linear foot	\$854.23	\$869.47	1.75%

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Staff recommends that the City Council conduct the public hearing and adopt the Resolution to the staff report:

- ▶ adopting the 2022 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study (February 2023);
- ▶ updating the Development Fee and Wetland Mitigation Fee pursuant to the East Contra Costa County HCP/NCCP and chapter 16.55 of Clayton Municipal Code; and
- ▶ finding the action to be exempt from CEQA.

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Questions