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RESOLUTION NO. R-90-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COLTON ADOPTING A REVISED MITIGATION FEE
NEXUS REPORT AND REDUCED HABITAT MITIGATION
FEES FOR FUNDING THE PRESERVATION OF NATURAL
ECOSYSTEMS WITHIN THE BOUNDARIES OF THE HUB
CITY CENTRE SPECIFIC PLAN AREA IN ACCORDANCE
WITH THE WEST VALLEY HABITAT CONSERVATION
PLAN**

WHEREAS, the City Council of the City of Colton (the "City Council") recognizes the need to finance the acquisition of land for the preservation of sensitive species, including the Delhi-Sands Flower Loving Fly to mitigate the impacts on sensitive species caused by new development in the West Valley area of the City of Colton; and

WHEREAS, on February 2, 2015, the U.S. Fish & Wildlife Service issued an Incidental Take Permit for the Delhi Sands Flower-loving Fly pursuant to the provisions of the West Valley Habitat Conservation Plan (WVHCP); and

WHEREAS, the WVHCP was adopted by the City Council and includes implementing provisions that require the City to prepare a Nexus Report and implement a mitigation fee program to fund actions to acquire, assemble and manage the City's obligation to conserve and manage 50.3 acres of moderate to high quality DSF habitat" (WVHCP Section 5.5); and

WHEREAS, the City caused to be prepared the "Delhi Sands Flower-Loving Fly Habitat Conservation Plan Development Impact Fee Calculation and Nexus Report" dated March 9, 2015 ("Nexus Report"), based on appraisals of habitat land conducted in January and February 2015 that formed the basis for the adoption of mitigation fees by the City Council on May 5, 2015 (Resolution No. R-41-15); and

WHEREAS, such implementing measures are contained in Chapter 3.46 of the Colton Municipal Code, adopted by the City Council as Ordinance No. O-07-15 on May 19, 2015; and

WHEREAS, pursuant to Resolution No. R-41-15, Section 3.46.050 (Mitigation Fee Policies), the mitigation fees may be amended from time to time in accordance with the adoption procedures established by state law; and

WHEREAS, due to the recent donation of 19.24 acres of habitat conservation land to the City of Colton ("Donated Property"), the cost of purchasing the remaining habitat conservation land has been reduced significantly, and therefore, warrants the reduction in Habitat Mitigation Fee to an amount commensurate with the City's cost to purchase the remaining habitat conservation land and fund long-term stewardship of the land; and

1
2 **WHEREAS**, the Revised Nexus Analysis reflecting the Donated Property and its
3 impact on the mitigation fees is attached hereto as Exhibit "A" and the boundaries of the HCP
4 Area and benefitted properties are set forth in the attached Exhibit "B"; and

5 **WHEREAS**, copies of the Nexus Study and subsequent Revised Nexus Analysis
6 are on file in the City Clerk's office and have been made available for public review in
7 accordance with state law, as more fully described below; and

8 **WHEREAS**, the City Council has reviewed and considered the staff report, the
9 Revised Nexus Analysis and all oral and written testimony.

10 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE**
11 **CITY OF COLTON:**

12 **SECTION 1. ADOPTION OF FINDINGS.** The City Council of the City of
13 Colton hereby adopts the recitals set forth in this resolution as findings to justify adoption of the
14 Revised (Reduced) Mitigation Fees.

15 **SECTION 2. ADOPTION OF NEXUS REPORT.** The City Council of the City
16 of Colton hereby adopts the Revised Nexus Analysis attached hereto as Exhibit "A" and re-
17 establishes the boundaries for the area of collection as the boundaries reflected in the attached
18 Exhibit "B".

19 **SECTION 3. ADOPTION OF MITIGATION FEES.** The City Council hereby
20 adopts the Revised Mitigation Fees attached hereto as Exhibit "C" to this Resolution. The
21 Mitigation Fees are applicable to all properties identified in the attached Exhibit "B." The City
22 Council may update its Mitigation Fees yearly to accommodate cost escalations based on land
23 value increases in the HCP Area.

24 **SECTION 4: CEQA FINDINGS.** Under State CEQA Guidelines, Section 15162,
25 once a negative declaration has been adopted for a project, no subsequent environmental
26 document shall be prepared for that project unless substantial changes are proposed in the project
27 which would require major revisions of the previous environmental document due to the
28 involvement of new significant environmental effects or if new information of substantial
importance which shows that the project will have a significant impact on the environment has
been made available. The fee reduction measures adopted in this ordinance fall fully within the
scope of the Environmental Assessment and Negative Declaration adopted for the WVHCP.
Therefore, the staff recommends that the City Council find that adoption of this ordinance meets
the criteria of State CEQA Guidelines section 15162 and that no new environmental
documentation or other further environmental review is required

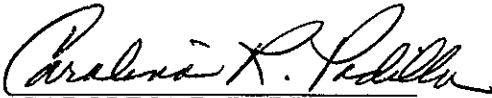
SECTION 5: EFFECTIVE DATE. This Resolution shall become effective sixty
(60) days after its adoption.

1 PASSED, APPROVED, AND ADOPTED this 4th day of August, 2015.

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4 RICHARD A. DELAROSA
5 Mayor

6 ATTEST:

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8 CAROLINA R. PADILLA
9 City Clerk

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EXHIBIT A
[Revised Nexus Analysis]

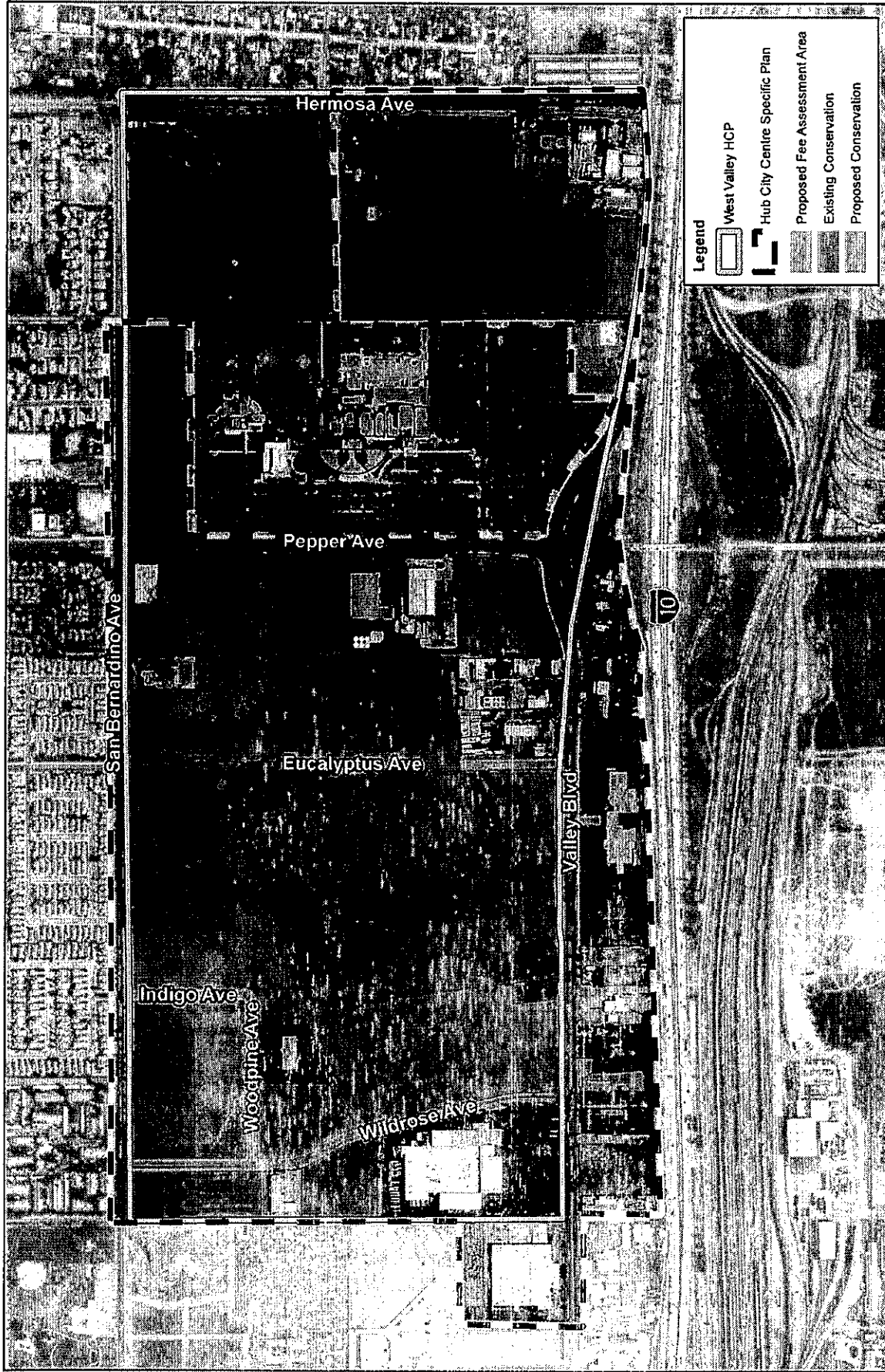
Schedule 1.1

**City of Colton
2014-15 Delhi Sands Flower-Loving Fly Development Impact Fee
Allocation of Project Cost Estimates
At Full Costs**

Line #	Estimated Cost	Construction Needs Supported by Other Resources		Infrastructure Needed to Accommodate Increased Development	
		Percent Need	Apportioned Dollar Cost	Percent Need	Apportioned Dollar Cost
HCP-001	Land Acquisition Costs (49.70 Acres @ \$226,512/Acre)		\$0		
HCP-002	Initial Capital and Financing Costs	0.00%	\$0	100.00%	\$11,257,646
HCP-003	Twenty-year On-going Stewardship Costs	0.00%	\$0	100.00%	\$321,852
HCP-004	Previously Acquired 13.3 Acres	0.00%	\$0	100.00%	\$453,956
		100.00%	\$3,012,610	0.00%	\$0
	Sub-total Habitat Conservation Plan Costs	20.02%	\$3,012,610	79.98%	\$12,033,454
Mitigating Resources					
	City Contribution/Dedication (7.0 Cemetery Acres)	0.00%	\$0	100.00%	\$1,585,584
	Ross Contribution/Dedication (18.67 Contributed Acres)	0.00%	\$0	100.00%	\$4,228,979
	Previously Dedicated Habitat Acres	100.00%	\$3,012,610	0.00%	\$0
	Sub-total Mitigating Resources	34.13%	\$3,012,610	65.87%	\$5,814,563
	Total Net Habitat Conservation Plan Costs	0.00%	\$0	100.00%	\$6,218,891

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EXHIBIT B
[Boundaries Map]



CITY OF COLTON
 WEST VALLEY HABITAT CONSERVATION PLAN
 HABITAT MITIGATION FEE
Proposed Fee Assessment Area

EXHIBIT C
[Revised Schedule 1.2 from Nexus Analysis]

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Schedule 1.2

City of Colton
2014-15 Delhi Sands Flower-Loving Fly Development Impact Fee
CityHub Centre Specific Plan HCP
at Full Cost

Proposed Land Use	Undeveloped		Equal Acre Benefit Factor	Equal Acre Development Opportunity	Percent of Improve- ments	Allocation of Expansion Costs	Cost Distribution Per Acre	Average Units or Square Feet/Acre	Development Impact Fee per Unit or Square Foot
	Acres	Units							
Residential - Medium	17.46	70	1.000	17.46	11.6%	\$723,879	\$41,459	4	\$10,365 per Unit
Residential - Medium 1	6.57	72	1.000	6.57	4.4%	\$272,387	\$41,459	11	\$3,769 per Unit
Retail - Mixed	92.24	1,406,291	1.000	92.24	61.5%	\$3,824,203	\$41,459	15,246	\$2.72 per S.F
Retail	17.82	271,684	1.000	17.82	11.9%	\$738,804	\$41,459	15,246	\$2.72 per S.F
Office - Mixed	15.91	311,868	1.000	15.91	10.6%	\$659,617	\$41,459	19,602	\$2.12 per S.F
TOTAL	150.00	--	--	150.00	100.0%	\$6,218,891	Total Net Habitat Conservation Plan Costs		

166.5	Original approved parcels
-16.5	Ross Approved parcels
150	Net remaining approved parcels

1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF COLTON**)

4 **CERTIFICATION**

5 **I, CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do
6 hereby certify that the foregoing is a full, true and correct copy of **RESOLUTION NO.**
7 **R-90-15**, duly adopted by the City Council of said City, and approved by the Mayor of
8 said City, at its Regular Meeting of said City Council held on the **4th day of August,**
9 **2015**, and that it was adopted by the following vote, to wit:

10 **AYES:** **COUNCILMEMBER** Toro, Jorin, Navarro, González,
11 Bennett, Suchil and Mayor
12 DeLaRosa

13 **NOES:** **COUNCILMEMBER** None

14 **ABSTAIN:** **COUNCILMEMBER** None

15 **ABSENT:** **COUNCILMEMBER** None
16

17 **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official
18 seal of the City of Colton, California, this _____ day of _____, 20____.

19
20
21 _____
22 **CAROLINA R. PADILLA**
23 City Clerk
24 City of Colton

25 (SEAL)
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