

STAFF REPORT
City of Lancaster

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MVB

Date: September 24, 2013

To: Mayor Parris and Council Members

From: Brian S. Ludicke, Planning Director

Subject: Authorization to use Biological Impact Fee Funds for the acquisition of 160 acres of conservation property by Wildlands

Recommendations:

- A. Adopt **Resolution No. 13-55**, authorizing the appropriation and use of biological impact fee funds for the acquisition of 160 acres of conservation property by Wildlands.

- B. Appropriate \$464,000 from the Biological Impact Fee fund balance to Account No. 224-4520-912 Property Acquisitions.

Fiscal Impact:

As of July 1, 2013, the Biological Impact Fee Account has \$612,809.55. The purchase of the 160 acres would cost \$464,000, leaving \$148,809.55 in the account. This is money that was paid by developers specifically to mitigate cumulative impacts to biological resources. The City would provide the funds for the purchase of the property by Wildlands from the Biological Impact Fee Account. The City would have no financial responsibility with respect to the management of the conservation property. Therefore, there would be no on-going fiscal impact to the City.

Background:

On October 28, 2005, the City Council adopted Ordinance No. 848, Biological Impact Fee, to deal with the cumulative impacts and “incremental loss” of habitat issues raised by the California Department of Fish and Game in response to City environmental documents.

The ordinance added Chapter 15.66 to the Lancaster Municipal Code to allow for the establishment of a biological mitigation fee. The intent of the fee was to provide mitigation for regional-level impacts in the expectation that other jurisdictions would also ultimately contribute their fair share toward such a mitigation effort, preferably through the proposed West Mojave Coordinated Management Plan (WMCMP). Based on an analysis contained in the Environmental Impact Statement for the West Mojave Plan, it was determined the average cost of private mitigation land within the WMCMP area to be \$770 per acre. This \$770 per acre fee was adopted as part of the ordinance. All new land development projects and subdivisions, as well as extension requests for previously approved projects are subject to payment of the fee.

Discussion:

Increased development in Lancaster (Kaiser, Hindu temple, etc.), including development of solar energy facilities, has increased the amount of funds available in the biological impact fee account. With several other solar projects expected to start construction within the next 6-8 months, additional funds will also be deposited. As a result, staff has been working with several conservation entities, including Wildlands, to identify suitable conservation property for acquisition that could be funded by the City. Wildlands is a habitat development and land management company that establishes mitigation banks and conservation banks throughout the Western United States. These banks enhance water quality and protect wildlife habitat in perpetuity. Wildlands has been in existence since 1991, and has more than 75 projects covering over 31,000 acres.

Wildlands has identified a 160-acre parcel (APN 0502-201-05) for the City to consider funding the acquisition. This parcel is located in San Bernardino County, northeast of Edwards Air Force Base and two miles east of Highway 395. This property is a private in-holding located in an area that is predominantly owned by public entities (conservation groups, Bureau of Land Management, etc.). This property consists of high quality desert habitat, and is located in an area identified in the draft West Mojave Desert Coordinated Management Plan as the Fremont-Kramer Desert Wildlife Management Area (DWMA)/Area of Critical Environmental Concern (ACEC). The property has a desert tortoise habitat potential index of 0.9 out of 1.0. The property is within a five-mile radius of several sensitive plant and animal species including desert tortoise, Mohave ground squirrel, prairie falcon, Booth's evening primrose and Barstow wooly sunflower. It is also in close proximity to known occurrences of golden eagles.

Acquisition of this property would help achieve multiple objectives. In addition to its conservation value, the property is located in an area used for flight corridors by Edwards Air Force Base; purchase of the property for permanent conservation would also help preserve the mission of the Base by providing a development buffer. If the City Council authorizes the funding of this purchase, Wildlands would purchase the property, and the property would remain conservation habitat in perpetuity.

BSL/jr

Attachments:

Resolution No. 13-55

Wildlands Conservation Analysis