

STAFF REPORT
City of Lancaster, California

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05/27/08
MVB

Date: May 27, 2008

To: Mayor Parris and Council Members

From: Brian S. Ludicke, Planning Director

Subject: Authorization to fund for the purchase of 135 acres of conservation property by the Mountains Recreation & Conservation Authority/Desert Mountain Conservation Authority (MRCA/DMCA)

Recommendation:

Authorize funding for the purchase of 135 acres of conservation property by the Mountains Recreation & Conservation Authority/Desert Mountain Conservation Authority (MRCA/DMCA). Appropriate \$45,000 from the Biological Impact Fee fund balance to account 224-4520-912 Property Acquisitions.

Fiscal Impact:

As of March 31, 2008, the Biological Impact Fee Account has \$284,598. It is estimated that the purchase of the four parcels would cost approximately \$45,000. 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 the MRCA/DMCA 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 848, Biological Mitigation 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 Section 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 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 that 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. Exceptions include vacant land converted to

agricultural production, temporary uses, expansions of existing buildings and uses under certain conditions, and development on existing residential parcels. In addition, since the ordinance is intended to deal with the cumulative impact of development, the ordinance provides that the fee would be reduced or waived where applicants are required to provide mitigation land or fees in connection with a permit issued under the statutory authority of the United State Fish and Wildlife Service of the California Department of Fish and Game, or where a project applicant has entered into a previous agreement with a state or federal agency for the mitigation of biological impacts.

A final key section of the ordinance deals with the ultimate use of the money collected by the City under this program, and the circumstances under which the program would terminate. Section 15.66.070 established several categories of allowable activities that could be funded with mitigation funds, including land acquisition, habitat restoration, or the transfer of such funds to a group that would administer the WMCMP once adopted. The fee is collected at the time a final map is recorded for residential uses and at issuance of grading permits for commercial and industrial uses. As of March 31, 2008, the Biological Impact Fee Account has \$284,598.

Discussion:

During a conference call in April 2008 with members of the MRCA/DMCA, it was brought to the attention of staff that there were several tax default properties on the western edge of the Antelope Valley that the MRCA/DMCA was interested in acquiring. Staff explained the City’s Biological Impact Fee Ordinance and requested information regarding the properties be sent to the City for consideration. Information regarding five parcels, ranging in size from 2.6 acres to 110 acres, was provided. Staff reviewed the information and conducted site visits. Of the five parcels identified, staff has selected four for consideration by City Council to provide the funding to allow the MRCA/DMCA to purchase the property for conservation purposes. The fifth parcel (APN 3256-011-002) was eliminated from consideration due to its location (Avenue B-4 & 191st Street West) and its distance from any other conservation properties. Information regarding the four selected properties is provided below.

Assessor Parcel No.	Size (Acres)	Approximate Location	Approximate Cost
3236-013-032	15.11	Vicinity of 150 th Street West and Avenue F-4 (approximately 1 mile north of Poppy Preserve)	\$6,000
3236-013-033	5.04	Vicinity of 150 th Street West and Avenue F-6 (approximately 1 mile north of Poppy Preserve)	\$5,000
3236-023-019	5.0	Vicinity of Avenue H-14 and Fairmont Road	\$4,000
3236-024-002	110.0	North side of Fairmont Road; just north of Shay’s Castle	\$22,000

These properties are located in an area where the MRCA already owns several pieces of property, and is looking to augment these properties. The parcels identified above are located in close proximity to these conservation properties and/or the Poppy Preserve. Additionally, APN 3236-023-019 is located immediately adjacent to an existing conservation property. If the City Council authorizes the funding for the purchase of the four parcels from the Biological Impact Fee Account, the parcels would be purchased and maintained by MRCA/DMCA as conservation property. In the event that the parcels are sold by MRCA/DMCA for a non-conservation purpose at some time in the future, the funds provided by the City for the purchase of the parcels would be returned.