

**RESOLUTION NO. 2014-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF DESERT HOT SPRINGS ADOPTING  
A FEE SCHEDULE FOR THE LOCAL DEVELOPMENT MITIGATION  
FEE IMPOSED ON NEW DEVELOPMENT TO FUND THE MULTIPLE  
SPECIES HABITAT CONSERVATION PLAN/NATURAL COMMUNITY  
CONSERVATION PLAN**

**WHEREAS**, the City Council of the City of Desert Hot Springs ("City") finds that the ecosystems of the City, the Coachella Valley and surrounding mountains located in central Riverside County, and the vegetation communities and sensitive species they support are fragile, irreplaceable resources that are vital to the general welfare of all residents; and

**WHEREAS**, these vegetation communities and natural areas contain habitat value that contributes to the City's and the region's environmental resources; and

**WHEREAS**, special protections for these vegetation communities and natural areas must be established, maintained and perpetually preserved to prevent future endangerment of the plant and animal species that are dependent upon them; and

**WHEREAS**, special protections and conservation goals for these vegetation communities and natural areas have been established to prevent future endangerment of the plant and animal species that are dependent upon them, all as more specifically set out in the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan ("MSHCP"); and

**WHEREAS**, at the same meeting at which this Resolution was considered, the City Council approved **Ordinance No. \_\_\_\_\_**, which established a new Local Development Mitigation Fee ("LDMF") for funding the preservation of natural ecosystems in accordance with the MSHCP, which includes the entire City, not simply the Desert Hot Springs I-10 annexation area; and

**WHEREAS**, the LDMF furthers the purposes of the MSHCP by: (i) assisting in the maintenance of biological diversity and the natural ecosystem processes that support diversity; (ii) protecting vegetation communities and natural areas within the City, Coachella Valley and surrounding central Riverside County mountains, which are known to support threatened, endangered or key sensitive populations of plant and wildlife species; (iii) supporting economic development within the City by providing a streamlined regulatory process to facilitate development; and (iv) protecting the existing character of the City and the region through the implementation of a system of reserves that will provide for permanent open space, community edges and habitat conservation for species covered by the MSHCP; and

**WHEREAS**, the findings and studies upon which the LDMF is based, including the estimated acquisition costs for such property, conservation of those properties in perpetuity as required under the MSHCP and the growth projections for new development that reflect current market conditions are set forth in the Coachella Valley Conservation Commission's 2011 Local Development Mitigation Fee Nexus Study ("Nexus Study") dated May 16, 2011, a copy of which is on file in the City Clerk's office; and

**WHEREAS**, the purpose of this Resolution is to approve the fee schedule for the LDMF, which will be imposed on new development within the City, which is included within the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan area, in order to meet the conservation goals set forth in the MSHCP; and

**WHEREAS**, the City has reviewed the Nexus Study, and hereby finds that future development within the City will substantially adversely affect the natural ecosystems and covered species within the City, as identified in the MSHCP, and that unless such development contributes to the cost of acquiring land and preserving these natural ecosystems and covered species, the conservation goals of the MSHCP will not be met; and

**WHEREAS**, the City finds that the Nexus Study proposes a fair and equitable method for distributing a portion of the cost of implementing the MSHCP and mitigating the impact, including the costs of preservation, caused by new development; and

**WHEREAS**, in addition to the foregoing, the City Council hereby adopts in their entirety the findings contained in Section 1 of **Ordinance No. \_\_\_\_\_**, and the LDMF fee schedule adopted by this Resolution shall be based on these findings; and

**WHEREAS**, pursuant to Government Code sections 66016, 66017 and 66018 of the Mitigation Fee Act, the City has: (i) made available to the public, at least ten (10) days prior to its public hearing, data indicating the estimated cost required to provide the facilities and infrastructure for which these development fees are levied and the revenue sources anticipated to provide those facilities and infrastructure; (ii) mailed notice at least fourteen (14) days prior to this meeting to all interested parties that have requested notice of new or increased development fees; and (iii) held a duly noticed, regularly scheduled public hearing at which oral and written testimony was received regarding the proposed fees.

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL, AS FOLLOWS:**

**Section 1.                      Recitals**

That the recitals set forth above are true and correct.

**Section 2.**                    **Repealed.**

That all prior Resolutions adopting the fee schedule for the Local Development Mitigation Fee established to fund the MSHCP are hereby repealed.

**Section 3.**                    **Findings.**

That the recitals set forth above and contained in both the Nexus Study and Section 1 of Ordinance No. \_\_\_\_\_ are also adopted herein as findings in support of this Resolution.

**Section 4.**                    **Definitions.**

That the terms of this Resolution shall have the same meaning ascribed to them in Ordinance No. \_\_\_\_\_.

**Section 5.**                    **Fee Schedule.**

That there is hereby adopted the following fee schedule for the Local Development Mitigation Fee imposed in support of the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan:

- (1) Residential, density less than 8.0 dwelling units per acre - \$1,189 per dwelling unit
- (2) Residential, density between 8.1 and 14.0 dwelling units per acre - \$495 per dwelling unit
- (3) Residential, density greater than 14.1 dwelling units per acre - \$219 per dwelling unit
- (4) Commercial - \$5,308 per acre
- (5) Industrial - \$5,308 per acre

**Section 6.**                    **CEQA Findings.**

The City Council hereby finds that in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, the adoption of this Resolution is exempt from CEQA pursuant to Section 15061(b)(3) and Public Resources Code section 21166.

**Section 7.**                    **Severability.**

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect and that if this Resolution is later adjudged by a final unappealable judgment of a court of competent jurisdiction to be

unconstitutional or invalid, the fee schedule adopted pursuant to Resolution \_\_\_\_ shall each be revived and shall continue for the life of the MSHCP.

**Section 8.                      Effective Date.**

That this Resolution shall take effect immediately upon the issuance of an amended permit authorizing take in connection with the MSHCP by the U.S. Fish and Wildlife Service and California Department of Fish and Game including without limitations, the incidental take permits for covered species pursuant to Section 10(a) (1) (B) of the Federal Endangered Species Act and section 2800 of the California Fish and Game Code. However, in no event shall this Resolution take effect prior to sixty (60) days after the date of its adoption.

**Section 9.                      Certification**

That the City Clerk shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at an adjourned regular City Council meeting duly held on the 5th day of August, 2014, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Jerryl Soriano, City Clerk

\_\_\_\_\_  
Adam Sanchez, Sr., Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steven Quintanilla, City Attorney