

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE SJAFCA MOSSDALE TRACT AREA REGIONAL URBAN LEVEL OF FLOOD PROTECTION DEVELOPMENT IMPACT FEE

On January 23, 2018, Stockton City Council approved a motion ratifying the Amended and Restated Joint Exercise of Powers Agreement for the San Joaquin Area Flood Control Agency (SJAFCA) to address increased flood protection requirements in Mossdale Tract; and

SJAFCA, through certain state legislation and through the execution of the Amended and Restated Joint Exercise of Powers Agreement (JEPA) has legal authority to prescribe, revise, and collect fees as a condition of development of land (JEPA Section 7.m) for the purpose of assisting in the financing of flood control facilities, including the authority to make such fees applicable to development of land within the Cities of Stockton, Lathrop, Manteca, and County of San Joaquin (collectively, "the Land Use Agencies"); and

SJAFCA prepared a "Nexus Fee Study" dated 11/08/2019, in compliance with the Mitigation Fee Act (also known as "AB 1600," Government Code sections 66000, *et. seq.*) and in a manner, that establishes an equitable and fair share regional development impact fee that can be imposed on all planned development projects in the Mossdale Tract that are provided a 200-year level of flood protection; and

The purpose of the development impact fee is to assist in the financing of levee improvements and related flood risk reduction measures necessary to provide at least a 200-year level of flood protection to lands within the 200-year floodplain along the San Joaquin River in the Mossdale Tract Area and to thereby offset the increase in damageable property that is placed in the levee protected floodplain as new development occurs in this area; and

After considering the Nexus Fee Study and the testimony received at the public hearing held on November 8, 2018, the SJAFCA Board of Directors approved said Study and adopted the Mossdale Tract Area Regional Urban Level of Flood Protection Development Impact Fee (Mossdale Tract Flood Impact Fee); and

SJAFCA is requesting that the Land Use Agencies, as a condition of the issuance of a building permit for new development in the Mossdale Tract Area that is within the Land Use Agency's authority, collect in accordance with a collection agreement and transmit to SJAFCA the applicable Flood Impact Fee for the development project for which such building permit is to be issued, and the Land Use Agencies have expressed a willingness to do so; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council finds and declares that the purposes and uses of the Development Impact Fee, based on a "Nexus Study" prepared by SJAFCA (Exhibit 1,

incorporated by this reference), the determination of the reasonable relationship between the fees' uses and the type of development project on which the fees are imposed, are valid and adopted as set forth herein.

2. The City Council approves the Agreement for Collection (Exhibit 2, incorporated by this reference) which specifies the framework for the method of collection of the Mossdale Flood Protection Impact Fee and specifies that a 3% administration portion of the fee would be retained by the City of Stockton to cover staff administrative costs.

3. The 2019 Flood Impact Fee rates shall be as set forth in the following table:

Proposed 2019 Mossdale Flood Protection Impact Fees

LAND USE	PROPOSED REGIONAL FEE RATES (PER GROSS DEVELOPABLE ACRE)
Single Family Residential	\$18,692
Multi-family Residential	\$17,021
Commercial	\$17,702
Industrial	\$14,729

4. The Fiscal Year 2018-19 Fee Schedule is hereby amended to add the Mossdale Flood Protection Impact Fee rates for single family residential, multi-family residential, commercial and industrial. The administration fee of 3% will also be added to the said fee schedule (Exhibit 3, incorporated by this reference).

5. The Fee provided in this resolution shall be effective sixty (60) days after the adoption of this resolution pursuant to California Government Code section 66017(a).

6. The City Manager is authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED, and ADOPTED December 4, 2018.

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

CHRISTIAN CLEGG, Deputy City Manager/
Interim City Clerk of the City of Stockton