

East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP)



HCP/NCCP Application Process

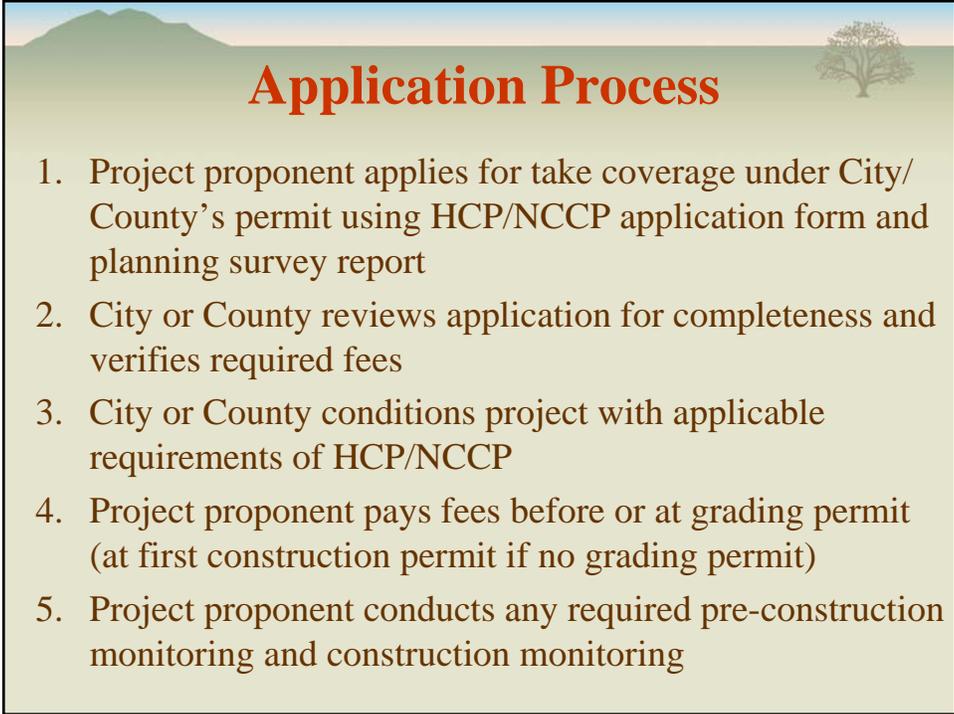
January 9, 2008

John Kopchik (Contra Costa County) and David Zippin (Jones & Stokes)
925-335-1227; jkopc@cd.cccounty.us
www.cocohcp.org

Topics

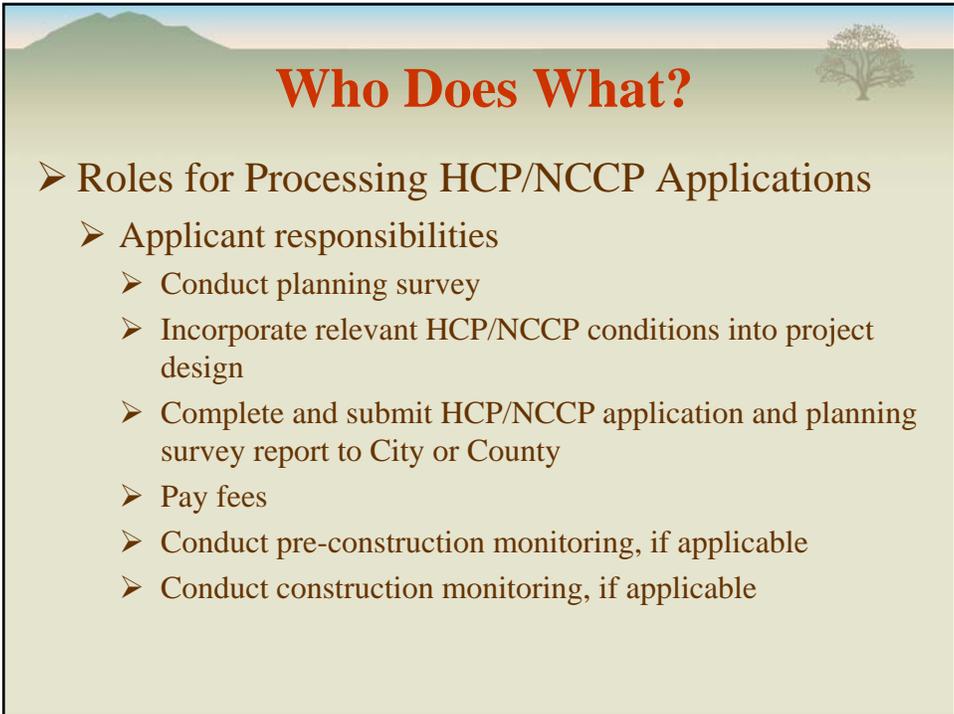
- Application process overview
- Who does what?
- Implementing ordinances
- Application form & planning survey
- Frequently Asked Questions
- Case studies





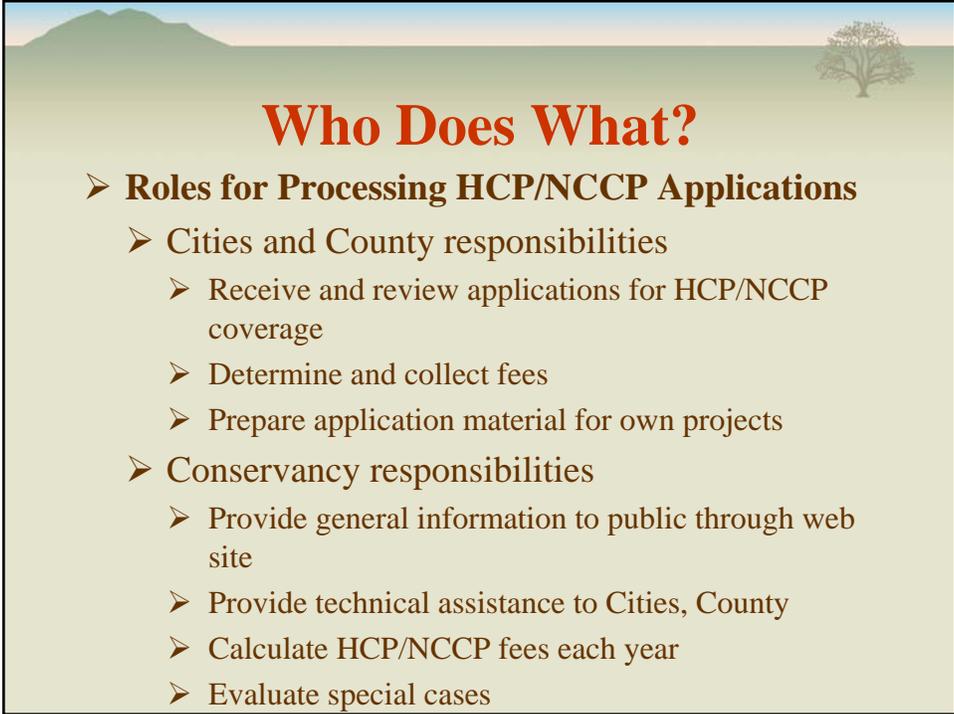
Application Process

1. Project proponent applies for take coverage under City/ County's permit using HCP/NCCP application form and planning survey report
2. City or County reviews application for completeness and verifies required fees
3. City or County conditions project with applicable requirements of HCP/NCCP
4. Project proponent pays fees before or at grading permit (at first construction permit if no grading permit)
5. Project proponent conducts any required pre-construction monitoring and construction monitoring



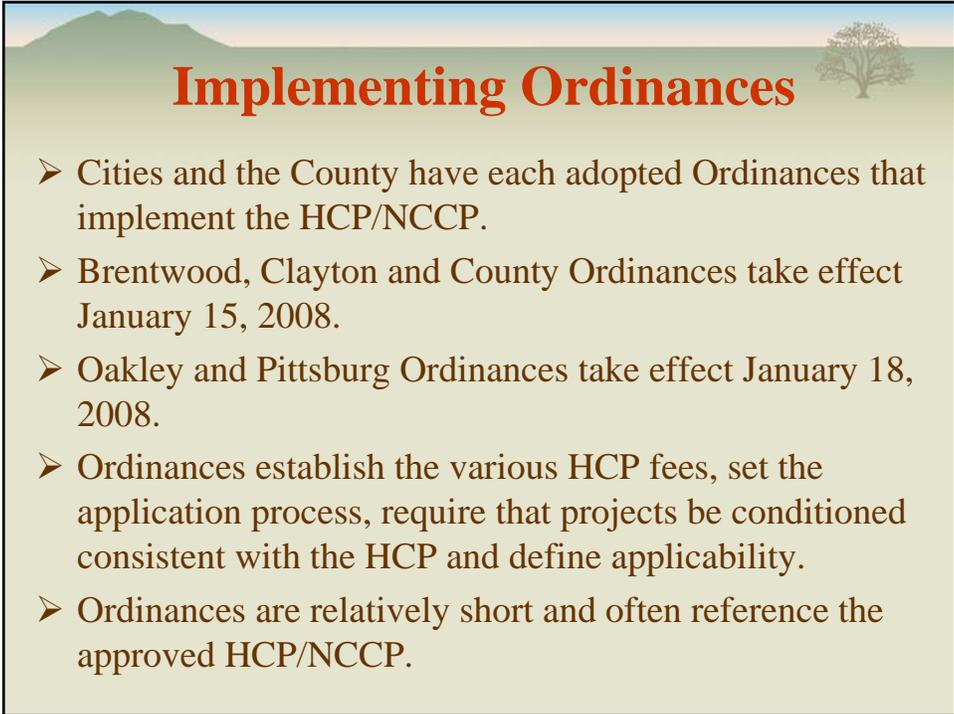
Who Does What?

- Roles for Processing HCP/NCCP Applications
 - Applicant responsibilities
 - Conduct planning survey
 - Incorporate relevant HCP/NCCP conditions into project design
 - Complete and submit HCP/NCCP application and planning survey report to City or County
 - Pay fees
 - Conduct pre-construction monitoring, if applicable
 - Conduct construction monitoring, if applicable



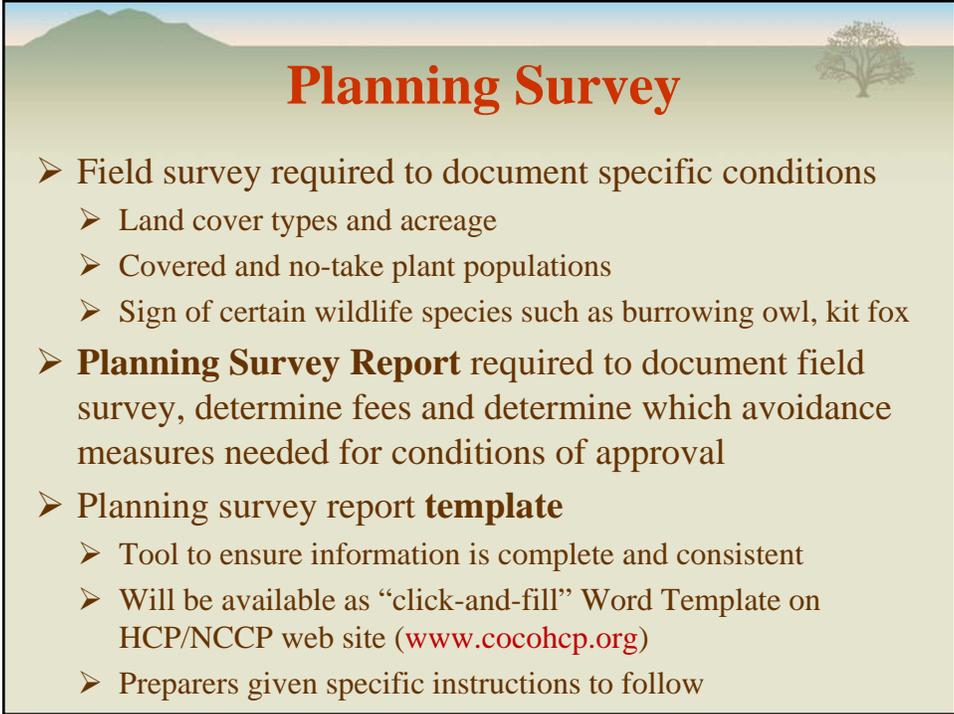
Who Does What?

- **Roles for Processing HCP/NCCP Applications**
 - Cities and County responsibilities
 - Receive and review applications for HCP/NCCP coverage
 - Determine and collect fees
 - Prepare application material for own projects
 - Conservancy responsibilities
 - Provide general information to public through web site
 - Provide technical assistance to Cities, County
 - Calculate HCP/NCCP fees each year
 - Evaluate special cases



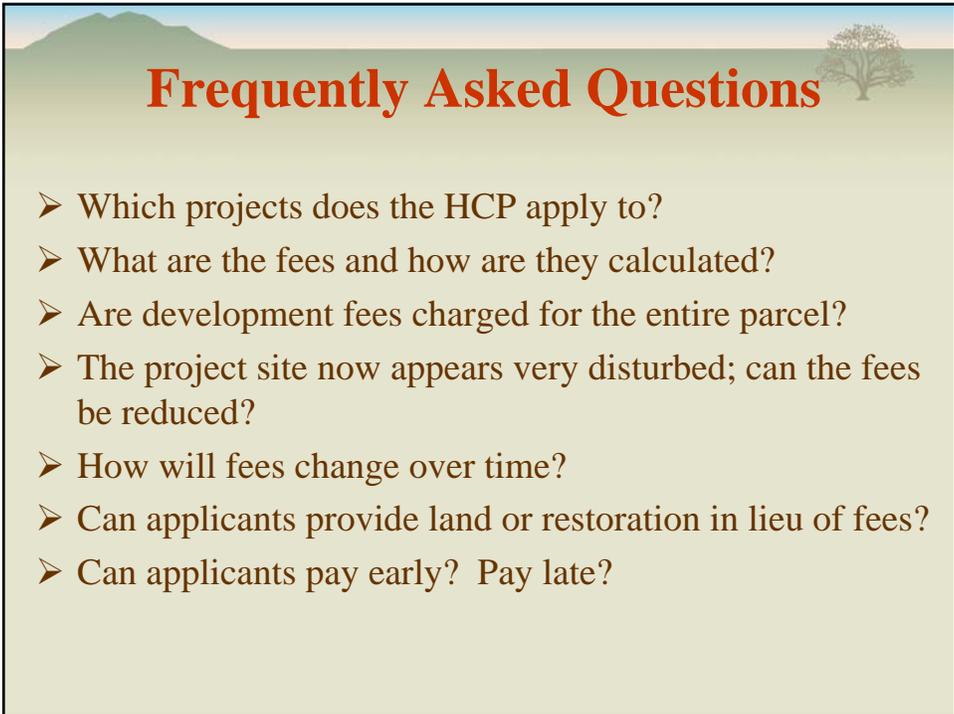
Implementing Ordinances

- Cities and the County have each adopted Ordinances that implement the HCP/NCCP.
- Brentwood, Clayton and County Ordinances take effect January 15, 2008.
- Oakley and Pittsburg Ordinances take effect January 18, 2008.
- Ordinances establish the various HCP fees, set the application process, require that projects be conditioned consistent with the HCP and define applicability.
- Ordinances are relatively short and often reference the approved HCP/NCCP.



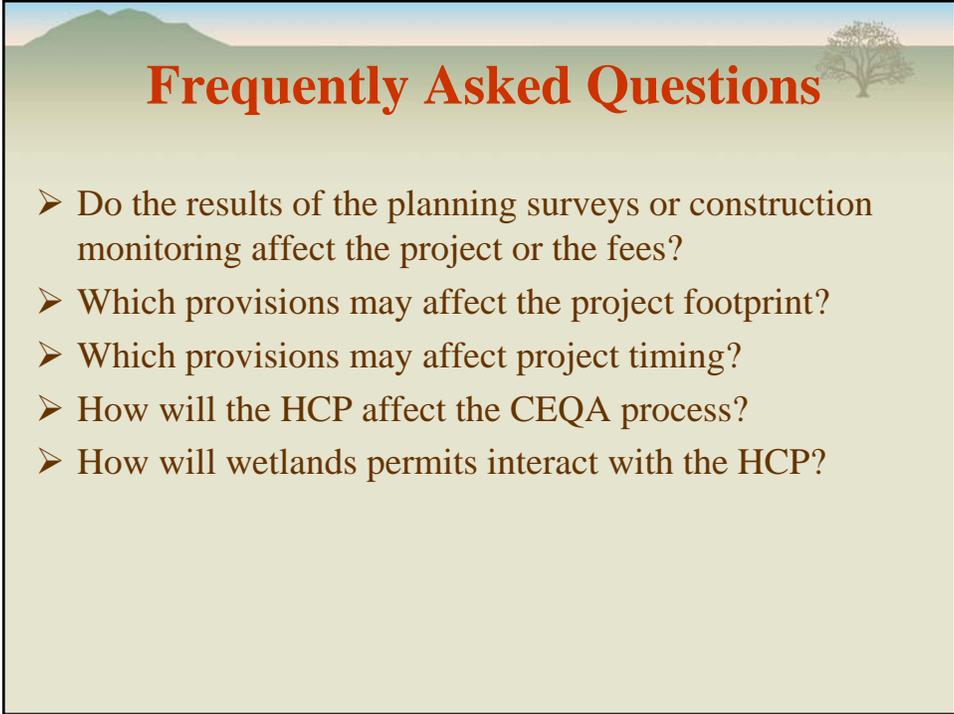
Planning Survey

- Field survey required to document specific conditions
 - Land cover types and acreage
 - Covered and no-take plant populations
 - Sign of certain wildlife species such as burrowing owl, kit fox
- **Planning Survey Report** required to document field survey, determine fees and determine which avoidance measures needed for conditions of approval
- Planning survey report **template**
 - Tool to ensure information is complete and consistent
 - Will be available as “click-and-fill” Word Template on HCP/NCCP web site (www.cocohcp.org)
 - Preparers given specific instructions to follow



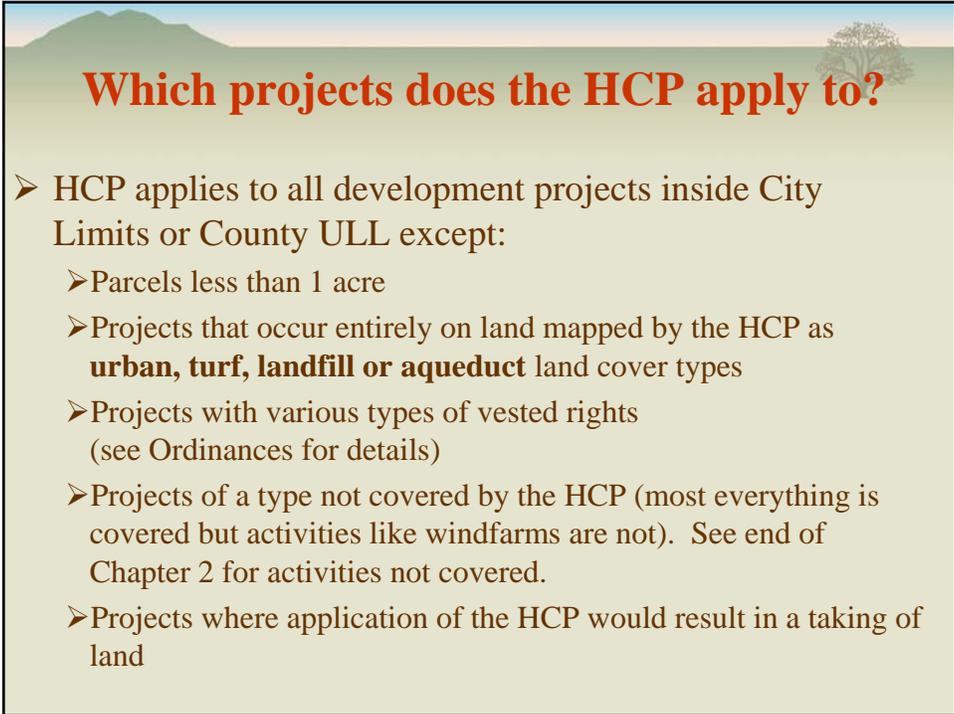
Frequently Asked Questions

- Which projects does the HCP apply to?
- What are the fees and how are they calculated?
- Are development fees charged for the entire parcel?
- The project site now appears very disturbed; can the fees be reduced?
- How will fees change over time?
- Can applicants provide land or restoration in lieu of fees?
- Can applicants pay early? Pay late?



Frequently Asked Questions

- Do the results of the planning surveys or construction monitoring affect the project or the fees?
- Which provisions may affect the project footprint?
- Which provisions may affect project timing?
- How will the HCP affect the CEQA process?
- How will wetlands permits interact with the HCP?



Which projects does the HCP apply to?

- HCP applies to all development projects inside City Limits or County ULL except:
 - Parcels less than 1 acre
 - Projects that occur entirely on land mapped by the HCP as **urban, turf, landfill or aqueduct** land cover types
 - Projects with various types of vested rights (see Ordinances for details)
 - Projects of a type not covered by the HCP (most everything is covered but activities like windfarms are not). See end of Chapter 2 for activities not covered.
 - Projects where application of the HCP would result in a taking of land

What are the fees and how are they calculated?

➤ Two types of fees will apply to projects in City Limits or the County ULL:

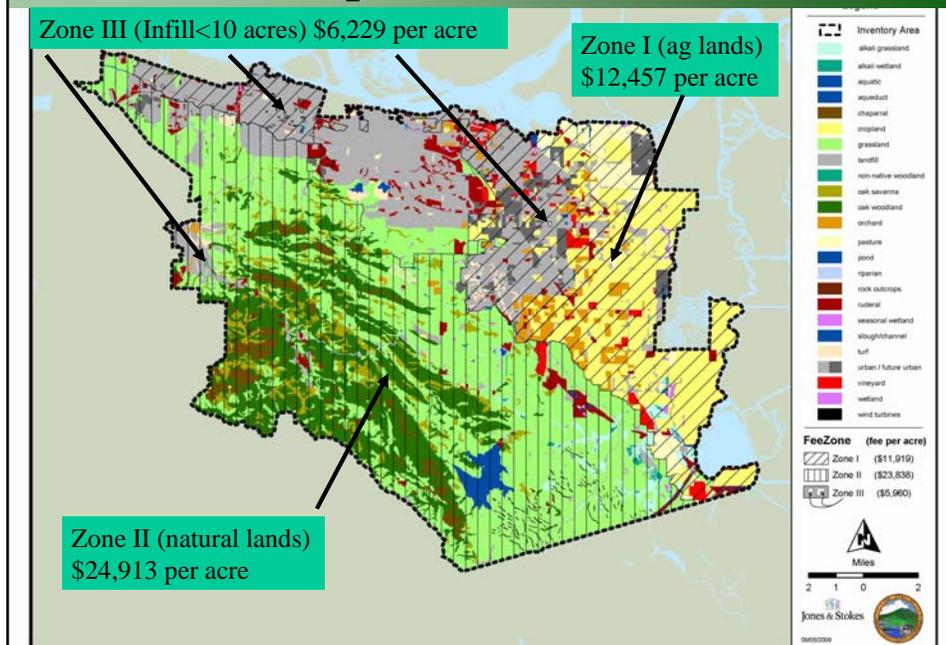
1. Development Fee:

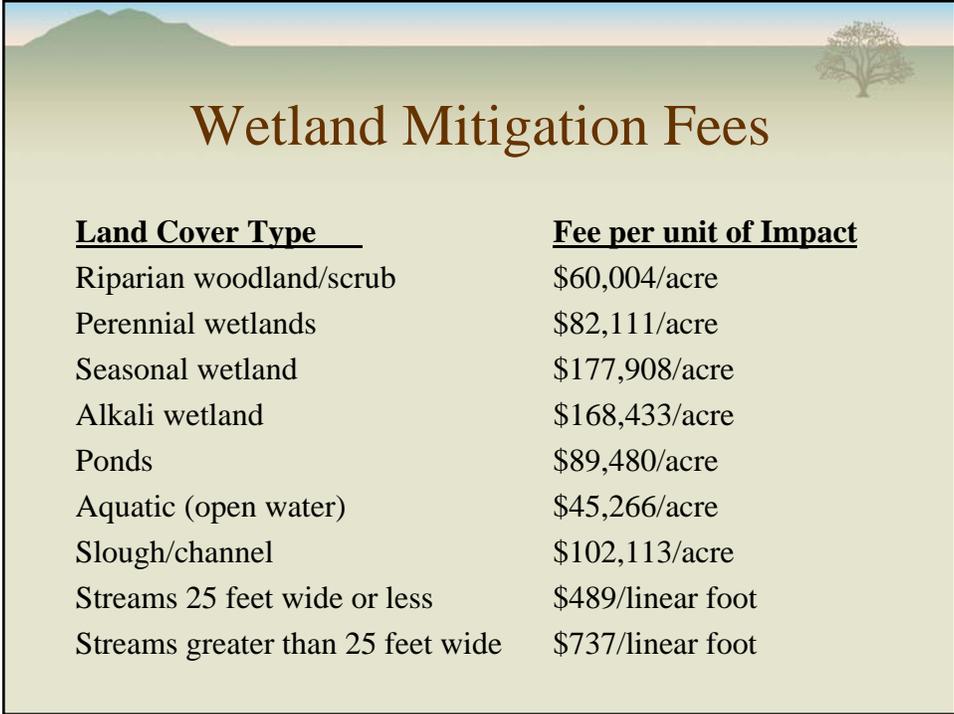
- varies by zone (3 tiers)
- applies generally to entire parcel area
- used to buy and operate off-site preserve land

2. Wetland Fee:

- varies by type of wetland to be filled
- applies to the “wet” area only
- is in addition to the development fee
- used to restore or create wetlands off-site in the preserve

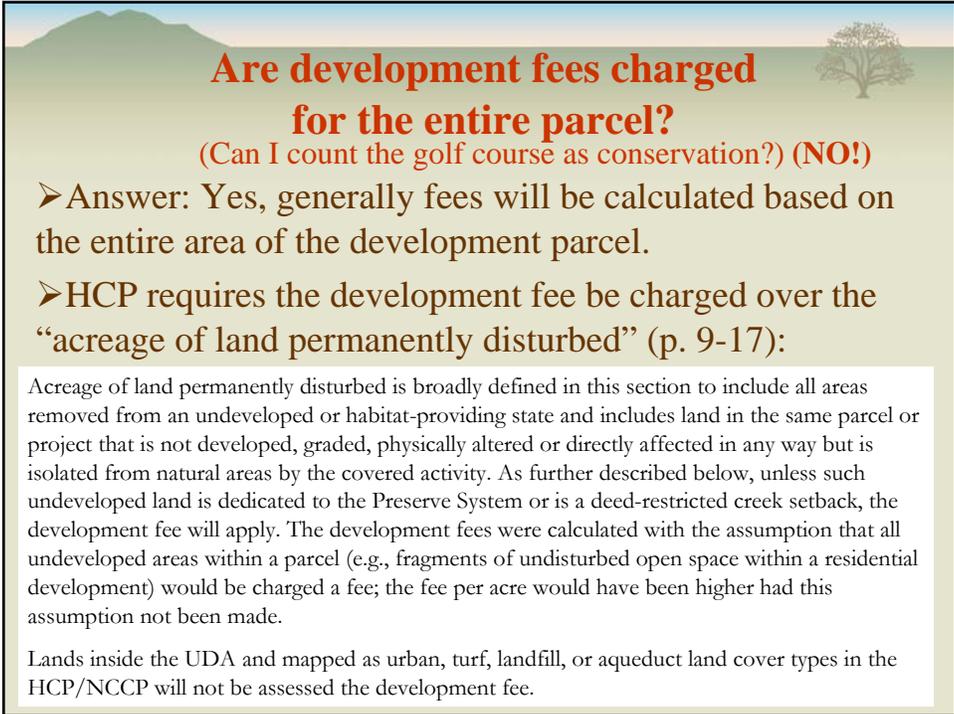
Development Fee Amounts





Wetland Mitigation Fees

<u>Land Cover Type</u>	<u>Fee per unit of Impact</u>
Riparian woodland/scrub	\$60,004/acre
Perennial wetlands	\$82,111/acre
Seasonal wetland	\$177,908/acre
Alkali wetland	\$168,433/acre
Ponds	\$89,480/acre
Aquatic (open water)	\$45,266/acre
Slough/channel	\$102,113/acre
Streams 25 feet wide or less	\$489/linear foot
Streams greater than 25 feet wide	\$737/linear foot



Are development fees charged for the entire parcel?

(Can I count the golf course as conservation?) (NO!)

- Answer: Yes, generally fees will be calculated based on the entire area of the development parcel.
- HCP requires the development fee be charged over the “acreage of land permanently disturbed” (p. 9-17):

Acreage of land permanently disturbed is broadly defined in this section to include all areas removed from an undeveloped or habitat-providing state and includes land in the same parcel or project that is not developed, graded, physically altered or directly affected in any way but is isolated from natural areas by the covered activity. As further described below, unless such undeveloped land is dedicated to the Preserve System or is a deed-restricted creek setback, the development fee will apply. The development fees were calculated with the assumption that all undeveloped areas within a parcel (e.g., fragments of undisturbed open space within a residential development) would be charged a fee; the fee per acre would have been higher had this assumption not been made.

Lands inside the UDA and mapped as urban, turf, landfill, or aqueduct land cover types in the HCP/NCCP will not be assessed the development fee.

The project site now appears very disturbed, can the fees be reduced?

- No.
- The HCP fees are based on conditions at the time the plan was approved.
- The HCP development fees are tiered by zone to reflect broad differences in habitat and open space value. The HCP was designed to provide a relatively level playing field in terms of fees.
- Setting the fee in this way also removes incentives for applicants to degrade the resources on their property before applying.

How will fees change over time?

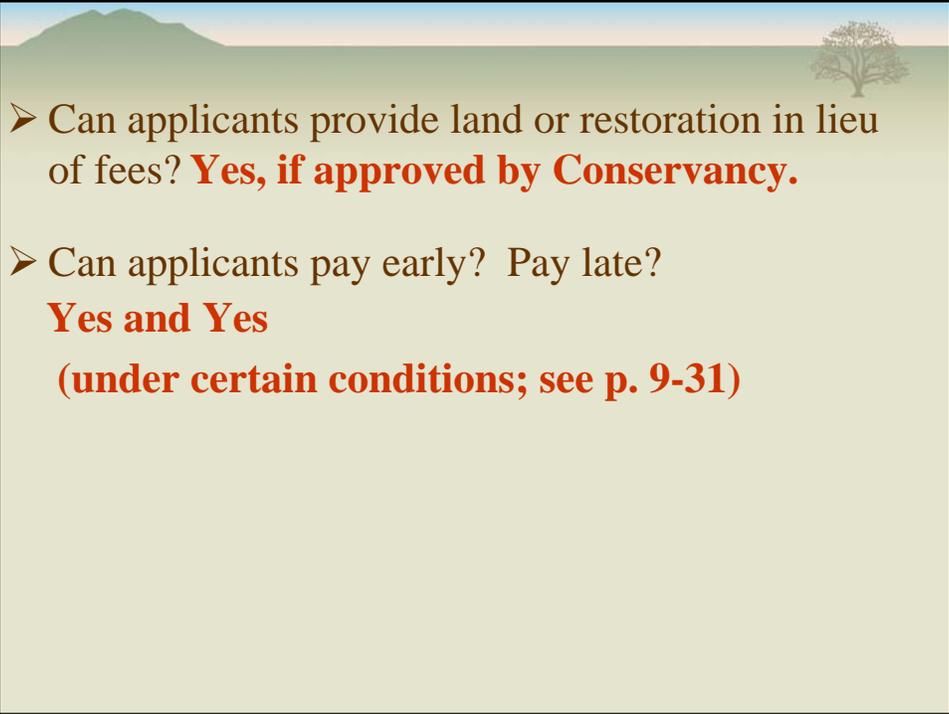


Here's the formula:

$$\text{Fee}_n = [[L_{n-1} * (\text{HPI}_{n-1} / \text{HPI}_{n-2})] + [(S_{n-1} * (\text{CPI}_{n-1} / \text{CPI}_{n-2}))]] * Z$$

Actually....

- Development fee will be adjusted annually based on a combination of a home price index (~2/3) and a consumer price index (~1/3).
- Wetland mitigation fee will be adjusted annually based on a consumer price index.

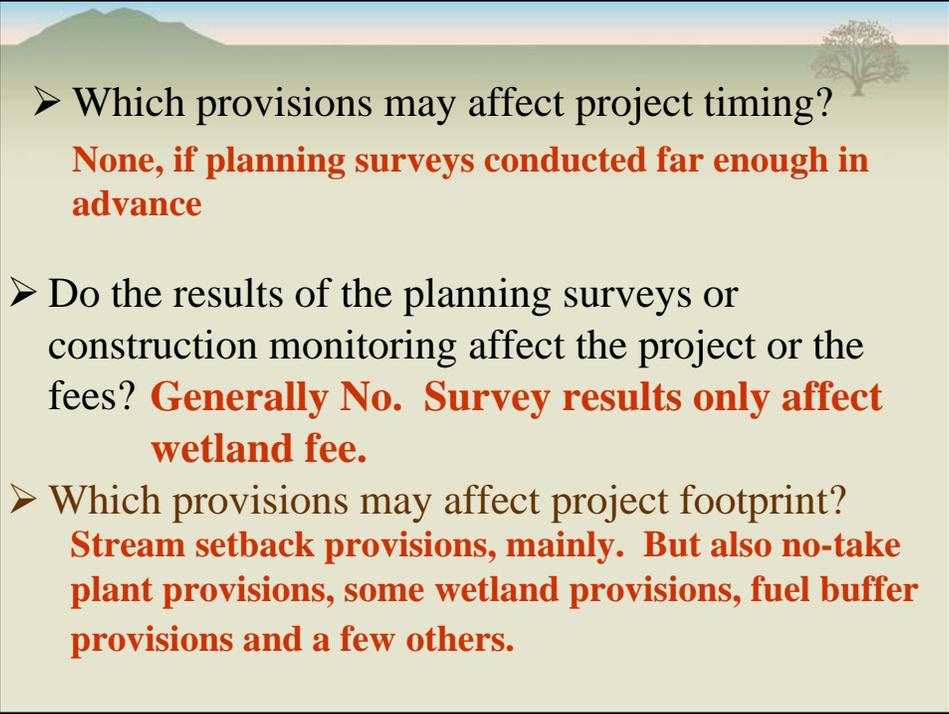


➤ Can applicants provide land or restoration in lieu of fees? **Yes, if approved by Conservancy.**

➤ Can applicants pay early? Pay late?

Yes and Yes

(under certain conditions; see p. 9-31)

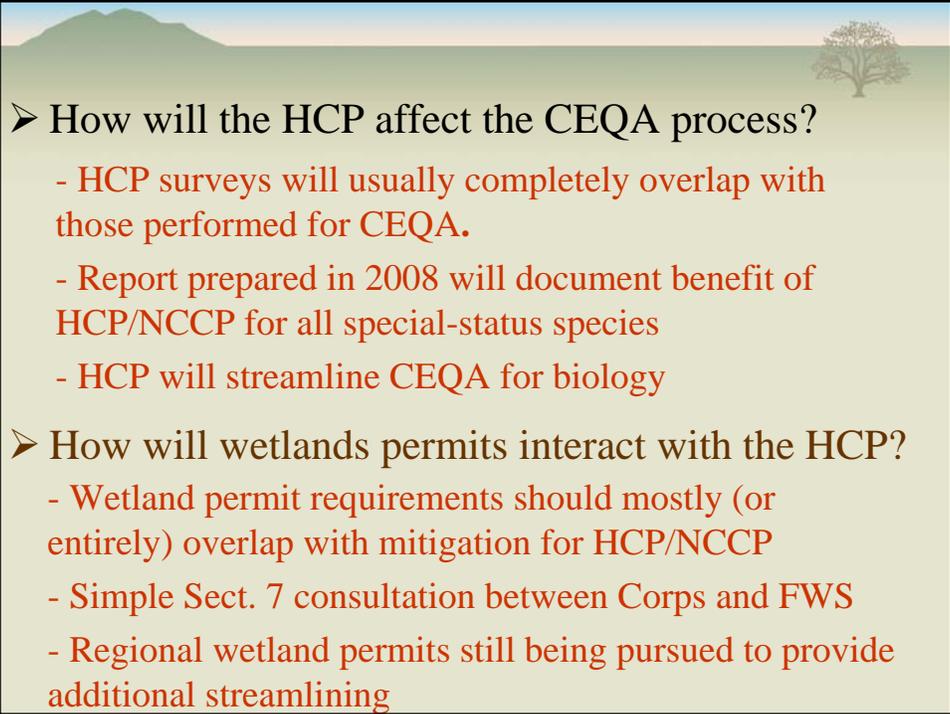


➤ Which provisions may affect project timing?

None, if planning surveys conducted far enough in advance

➤ Do the results of the planning surveys or construction monitoring affect the project or the fees? **Generally No. Survey results only affect wetland fee.**

➤ Which provisions may affect project footprint? **Stream setback provisions, mainly. But also no-take plant provisions, some wetland provisions, fuel buffer provisions and a few others.**

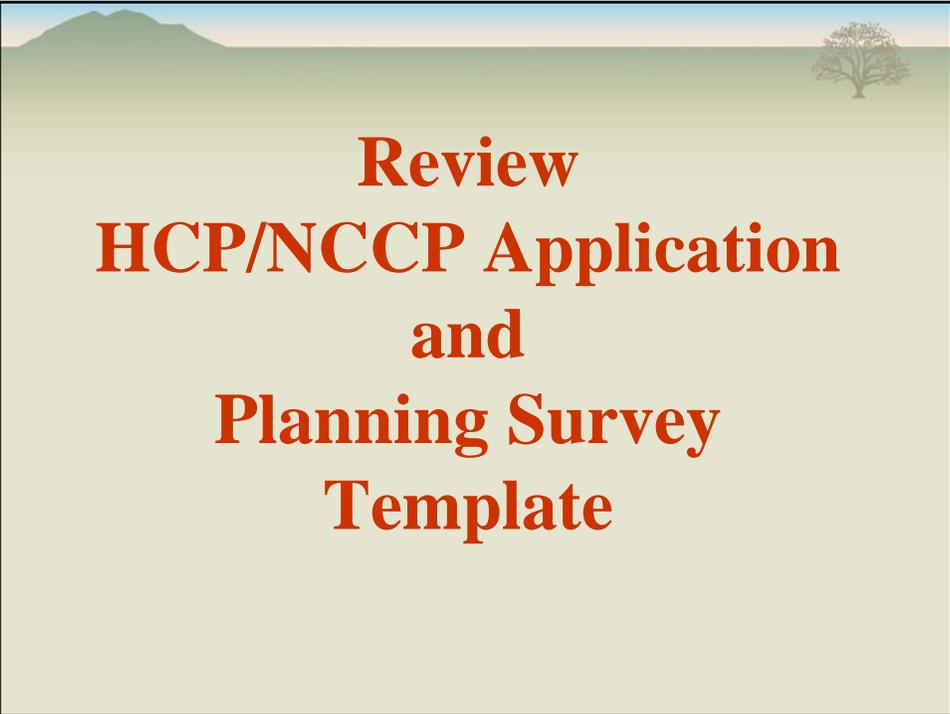


➤ How will the HCP affect the CEQA process?

- HCP surveys will usually completely overlap with those performed for CEQA.
- Report prepared in 2008 will document benefit of HCP/NCCP for all special-status species
- HCP will streamline CEQA for biology

➤ How will wetlands permits interact with the HCP?

- Wetland permit requirements should mostly (or entirely) overlap with mitigation for HCP/NCCP
- Simple Sect. 7 consultation between Corps and FWS
- Regional wetland permits still being pursued to provide additional streamlining



**Review
HCP/NCCP Application
and
Planning Survey
Template**

On to case studies!

GENERAL PROCESS

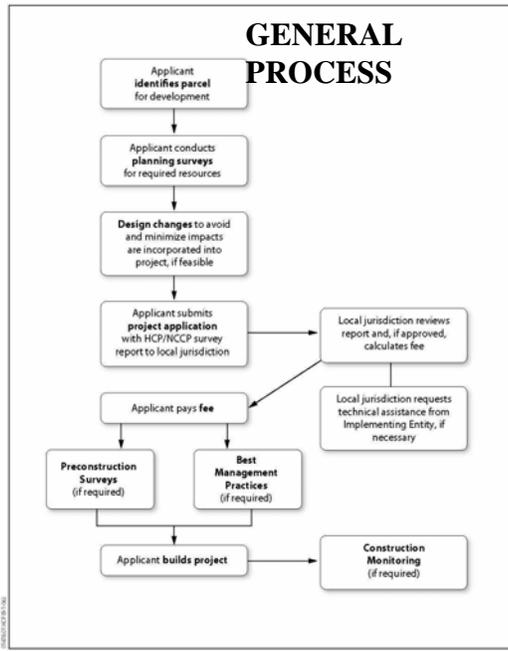


Figure 6-1 Process for Project Approval under HCP/NCCP