RESOLUTION APPROVING AN ADDITIONAL SIX-MONTH EXTENSION DELAYING
THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE PUBLIC FACILITIES
FEE ADMINISTRATIVE GUIDELINES REGARDING THE AGRICULTURAL LAND
MITIGATION PROGRAM

On February 27, 2007, the City Council adopted Resolution No. 07-0079 revising
the Public Facilities Fee by adding an Agricultural Land Mitigation Fee of $9,600 per
acre effective May 1, 2007; and

On February 27, 2007, the City Council adopted Resolution No. 07-0080
amending the Public Facilities Fee Administrative Guidelines by adding Section I.A.6.
regarding the Agricultural Land Mitigation Program; and

Issues arose regarding the implementation of the requirement for in-kind
acquisition of agricultural conservation easements for projects of forty (40) acres or
more, resulting in litigation; and

On May 1, 2007, the City Council approved a one-year delay in the
implementation of certain provisions of the Public Facilities Fee Administration
Guidelines for the Program; and

On April 29, 2008, the City Council authorized an additional six-month extension
to the implementation of the subject Guidelines for the Agricultural Land Mitigation
Program; and

Said six-month extension is set to expire on October 31, 2008, and staff is
requesting that the implementation of certain portions of the Program be delayed for an
additional six-month period to address clarification/implementation and litigation related
issues; now, therefore,

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

1. For an additional six (6) months of the Program, all projects, no matter
what size, shall have the option of paying the $9,868 per acre fee or acquiring an
agricultural conservation easement.

2. If a developer acquires an agricultural conservation easement and
transfers that easement to the Central Valley Farmland Trust (CVFT), the only portion of
the $9,868 fee that still must be paid is the $1,000 for administration and monitoring.
Any transaction costs incurred by CVFT in facilitating the transfer shall be paid by the developer to CVFT during escrow.

3. If a fee is paid, it shall be paid prior to the approval of the final subdivision map, except for industrial subdivisions where the fee shall be paid upon issuance of the building permit. For all other projects that do not require a final map, the fee shall be paid upon issuance of the building permit. Building permit fees shall be calculated based on a net-to-gross parcel area conversion factor as described in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Fee Study dated November 2, 2006.

4. All other provisions of the Public Facilities Fee Administrative Guidelines adopted on February 27, 2007, that are not inconsistent with the above provisions shall remain in effect.

5. Unless sooner amended or rescinded, this Resolution shall remain in effect until April 30, 2009, at which time it will expire.

PASSED, APPROVED and ADOPTED OCT 28 2008

EDWARD J. CHAVEZ, Mayor
of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton