

RESOLUTION NO. 2005-82

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING SWAINSON'S HAWK FEES**

WHEREAS, the City is required under the California Environmental Quality Act to mitigate for the loss of the Swainson's hawk habitat, and

WHEREAS, projects that, through the CEQA process or pursuant to Chapter 16.130 of the Municipal Code, are found to adversely impact Swainson's hawk foraging habitat, must mitigate the impacts to a less than significant level, and

WHEREAS, the City Council has found that mitigation for the loss of foraging habitat is only feasible when replacement habitat is provided, and

WHEREAS, the Swainson's hawk habitat mitigation fee is one of several options for applicants of projects less than 40 acres to mitigate for the loss of habitat to a less than significant level, and

WHEREAS, it is the City's intent to use the funds collected with the Swainson's hawk habitat mitigation fees to provide replacement habitat by acquiring land in fee title and/or conservation easements in consultation with the California Department of Fish and Game on lands deemed suitable Swainson's hawk foraging habitat, and

WHEREAS, information provided by the real estate appraisal firm Pattison and Associates, Inc. demonstrates that Swainson's hawk habitat properties are valued at \$8,200-\$17,500 per acre, and

WHEREAS, based on information contained in the report *Natural Lands Management Cost Analysis-28 Case Studies* by the Center for Lands management, in order to monitor conservation easements, an endowment of \$2,375 per acre is needed, and

WHEREAS, Chapter 16.130.045 of the Municipal Code authorizes the City Council to amend the Swainson's hawk mitigation fee by resolution, and

WHEREAS, a duly noticed public hearing before the City Council on the update to the Swainson's hawk mitigation fees was held on March 9, 2005, at which hearing public testimony was received and duly considered;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove:

1. Findings:

- a. The current fee (\$3,925 per acre of impact, plus \$376.91 per acre of impact for operations and maintenance, plus a \$383.95 administration fee) is not

sufficient to purchase habitat land or easements at current land values and reduces the City's ability to mitigate for loss of habitat in the future.

b. Information contained in the March 9 staff report show that an \$18,325 per acre fee, consisting of \$15,950 per acre for acquisition and administrative costs plus \$2,375 per acre for monitoring costs is adequate to purchase and protect Swainson's hawk foraging habitat in perpetuity through land in fee title or conservation easements.

c. Adoption of the updated fee is consistent with chapter 16.130 of the Municipal Code (Swainson's Hawk Ordinance) and with the goals and policies of the General Plan for the protection of natural resources.

2. Approval of Fees. The fees for Swainson's hawk mitigation collected by the City in accordance with Chapter 16.130.045 of the Municipal Code are set forth in Exhibit "A" attached hereto and become effective in 60 days.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 23rd day of March 2005.


DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

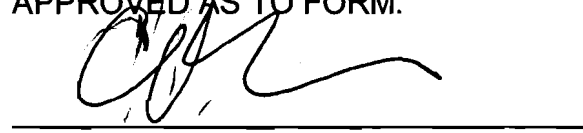

ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit A

City of Elk Grove Swainson's Hawk Mitigation Fee

A mitigation fee for the loss of Swainson's hawk foraging habitat is hereby established at \$18,375 per acre of impacted habitat pursuant to Chapter 16.130 of the Municipal Code.

Payment of the fee is required prior to approval of a grading permit or improvement plans (or whatever permit would authorize construction that would result in taking of the habitat) as mitigation for the loss of the Swainson's hawk habitat

The Interim Mitigation Fee is comprised of the following components:

- **ACQUISITION/ADMINISTRATIVE COMPONENT.** Calculated at \$15,950 per acre.
- **MONITORING ENDOWMENT.** A monitoring endowment of \$2,375 per acre for the purpose of financing the costs of monitoring easements.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-82**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 23rd day of March, 2005 the following vote:

AYES: 4 COUNCILMEMBERS: Briggs, Leary, Scherman, Soares

NOES: 0 COUNCILMEMBERS:

ABSTAIN: 0 COUNCILMEMBERS:

ABSENT: 1 COUNCILMEMBERS: Cooper

***Peggy E. Jackson, City Clerk
City of Elk Grove, California***