

**RESOLUTION NO. 2011-188**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
ADOPTING AND LEVYING REVISED SWAINSON'S HAWK  
MITIGATION IMPACT FEES**

**WHEREAS**, the California Environmental Quality Act (CEQA), requires development to mitigate for potential significant impacts to special status species, including impacts to habitat for these species; and

**WHEREAS**, the Swainson's hawk is a special status species because it has been listed by the California Fish and Game Commission as a threatened species; and

**WHEREAS**, in order to ensure that adequate mitigation is provided for habitat loss due to development, the City offers developers a fee option to mitigation as outlined in Chapter 16.130 of the Elk Grove Municipal Code; and

**WHEREAS**, the City has prepared a Swainson's Hawk Habitat Impact Fee Nexus Study (the "Study") dated August 25, 2010, which details the relationship between the cost to purchase mitigation land and the proposed fee; and

**WHEREAS**, pursuant to Government Code section 66016, the data required to be made available to the public prior to the adoption of the Swainson's Hawk Habitat Impact Fee update by this resolution was made available for public review at least ten days prior to the date of this meeting; and

**WHEREAS**, pursuant to Government Code section 66018, notice of a public hearing on the levy of the Swainson's Hawk Habitat Impact Fee was published in the *Elk Grove Citizen*, for at least ten days prior to the date of this meeting; and

**WHEREAS**, levy of revised fees for the Swainson's Hawk Habitat Impact Fee Program is a "project" subject to CEQA (Public Resources Code section 21000 et seq.) and an Environmental Impact Report (EIR) has been prepared to evaluate the potential environmental effects of the project; and

**WHEREAS**, on September 28, 2011, the City Council certified the Final EIR for the Project finding that it has been prepared in accordance with CEQA.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby approves and adopts:

1) Approval of Findings. After considering the information and determinations contained in the Swainson's Hawk Habitat Impact Fee Program, the Study and the testimony received at the public hearing, the City Council hereby approves and expressly adopts the findings, determinations, and conclusions contained in the Study.

2) Approval and Adoption of Revised Fees. The Swainson's Hawk Habitat Impact Fee applicable to new development in the City set forth in Table 1 below, are hereby approved and levied as provided for in Elk Grove Municipal Code Section 16.130.045.

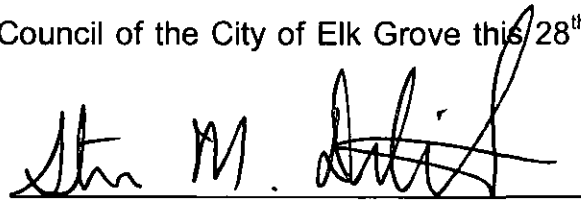
**Table 1**

	Easement Acquisition	Monitoring and Reporting	Administration	<i>Total Fee</i>
Nexus Supported Fee	\$8,921	\$444	\$281	<b>\$9,646</b>

3) Adjustments in the amount of the estimated costs of acquiring mitigation easements will be based upon the change in the value of the California Land Values and Rents for Agricultural Land – All Cropland (\$/acre) Value put out by the United States Department of Agriculture. The adjustments will be made automatically to the fee on a three (3) year moving average of the annual percentage changes in the value beginning with 2011. For the year 2012 and 2013 there will not be a full three years to average.

4) Effective Date. Pursuant to Government Code section 66017(a) the revised fees authorized by this Resolution shall become effective 60 days after the date of the adoption of this Resolution.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 28<sup>th</sup> day of September 2011.



STEVEN M. DETRICK, MAYOR of the CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN HOBBS,  
INTERIM CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-188**

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

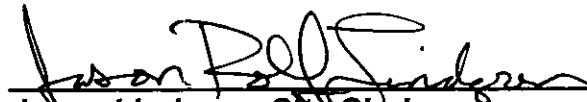
***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 28, 2011 by the following vote:***

**AYES :            COUNCILMEMBERS:        *Detrick, Cooper, Davis, Hume, Scherman***

**NOES:            COUNCILMEMBERS:        *None***

**ABSTAIN :        COUNCILMEMBERS:        *None***

**ABSENT:         COUNCILMEMBERS:        *None***

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**