

RESOLUTION NO. 2003-213

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING SWAINSON'S HAWK INTERIM FEES, REPEALING RESOLUTION NO. 2003-169 AND ADOPTING PERMANENT 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, the Swainson's hawk habitat mitigation fee is one of several options for applicants to mitigate for the loss of habitat; and

WHEREAS, on September 3, 2003 the City Council City of Elk Grove approved by Resolution No. 2003-169 an interim fee of \$3925 per acre for the conversion of Swainson's Hawk foraging habitat; and

WHEREAS, the City Council has directed staff to produce a revised mitigation fee study for Swainson's hawk foraging habitat; and

WHEREAS, the Sacramento Valley Ag Land Conservancy has produced a study that demonstrates that Swainson's hawk habitat properties are valued at \$4100-\$6000 per acre; and

WHEREAS, the City Council desires to have a program, which will acquire 50% of the habitat parcels by fee title and 50% by conservation easements; and

WHEREAS, the City Council needs to resend Resolution number 2003-169, which will be superseded by this resolution once adopted.

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

1. Findings:

a. The previous \$750 per acre fee was not adequate to purchase habitat easements at current land values and reduces the City's ability to mitigate for loss of habitat in the future.

b. Development of additional land that requires mitigation for the loss of Swainson's hawk habitat under the current fee structure will exacerbate this problem by reducing the City's ability to acquire property to mitigate for such habitat loss.

c. In order to ensure that all future residential development pays a fee commensurate with the current land costs, the imposition of a revised Swainson's hawk mitigation fee is necessary.

d. Any delay in securing adequate funding threatens the City's ability to provide sufficient habitat in the future and creates an immediate harm.

2. Interim Authorization Pursuant to California Government Code Section 66017 (b) and the findings found in Section 1 above, this resolution shall take effect immediately as an interim authorization of the City's Swainson's of mitigation fee.

3. Approval New Interim Fees. The interim fees for Swainson's hawk mitigation collected by the City in accordance with Chapter 16.130 Swainson's Hawk Impact Mitigation Fees, are set forth in Exhibit "A" attached hereto, and are effective in two 30 day periods. The first approval period will extend from November 5, 2003 to December 5, 2003. The second approval period will extend from December 5, 2003 to January 4, 2004.

4. Resend Resolution No. 2003-169 Resolution No. 2003-169 is hereby rescinded.

5. Approval of Permanent Fees The permanent fees for Swainson's hawk mitigation collected by the City in accordance with Chapter 16.130 Swainson's Hawk Impact Mitigation Fees, are set forth in Exhibit "B" attached hereto and become effective in 60 days.

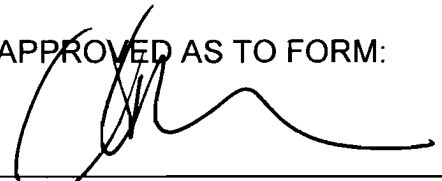
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 5th day of November 2003.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTESTED:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2003-213

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 5th day of November 2003 by the following vote:

AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:



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

Exhibit A

City of Elk Grove Interim Swainson's Hawk Mitigation Fees

All of these fees are 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:

- **IMPACT MITIGATION FEE.** The fee of \$3,925.00 per acre of impact is hereby established.
- **OPERATIONS AND MAINTENANCE FEE.** An operations and maintenance fee of \$375.00 per acre is hereby established for the purpose of reimbursing conservancies for their administrative costs incurred in acquiring and monitoring easements. Payment of the fee is in addition to the Impact Mitigation Fee and the administration fee.
- **ADMINISTRATION FEE.** An administration fee of \$382.00 per impact mitigation fee is required to be submitted to the City for administrative costs incurred for processing. This fee is the same as what was previously in place.

Exhibit B

City of Elk Grove Swainson's Hawk Mitigation Fees

All of these fees are 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:

- **IMPACT MITIGATION FEE.** The fee of \$3,925.00 per acre of impact is hereby established.
- **OPERATIONS AND MAINTENANCE FEE.** An operations and maintenance fee of \$375.00 per acre is hereby established for the purpose of reimbursing conservancies for their administrative costs incurred in acquiring and monitoring easements. Payment of the fee is in addition to the Impact Mitigation Fee and the administration fee.
- **ADMINISTRATION FEE.** An administration fee of \$382.00 per impact mitigation fee is required to be submitted to the City for administrative costs incurred for processing. This fee is the same as what was previously in place.
- **CONSUMER PRICE INDEX (CPI).** On each July 1, commencing on July 1, 2004, the Operation and Maintenance Fee and the Administration Fee may be increased by the lesser of Local Consumer Price Index (CPI) for the San Francisco Oakland -- San Jose Area for All Urban Consumers or 5% of the amount in effect for the previous Fiscal Year. The CPI used shall be determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2003 through April 2004.