

RESOLUTION NO. 2003-190

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE EXTENSION OF THE SWAINSON'S HAWK INTERIM FEES

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

WHEREAS, the Swainson's hawk habitat mitigation fee is one of several options for applicants to mitigate for the loss of habitat;

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;

WHEREAS, Interim Resolutions No. 2003-169 will expire on October 3, 2003;

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

WHEREAS, Section 66017 of the California Government Code allows the City to extend the interim resolution twice for a total of 90 days;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove that the interim authority for the imposition of development impact fees for Swainson's hawk foraging habitat adopted on September 3, 2003, is hereby extended two additional 30 day periods: the first extension shall be for the period October 3, 2003 through and including November 2, 2003 and the second extension shall be from November 2, 2003 through and including December 2, 2003.

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 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 will threaten the City's ability to provide sufficient habitat in the future and creates an immediate harm.

2. Approval of Fees. The fees for Swainson's hawk mitigation collected by the City in accordance with Chapter 16.130 Swainson's Hawk Impact Mitigation Fees, as set forth in Exhibit "A" attached hereto, are hereby extended twice by this resolution from October 3, 2003 to November 2, 2003 and for a second time from November 2, 2003 to December 2, 2003.

3. Interim Authorization. Pursuant to California Government Code section 66017 (b) in the findings found in section one above, this resolutions shall take effect on October 3, 2003 as an interim authorization of the City's Swainson's Hawk Mitigation Fee and shall remain in effect for 30 days.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 1st day of October 2003.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTESTED:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

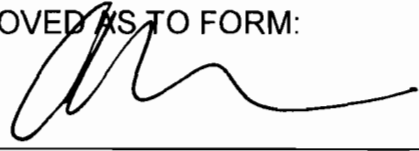

ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit A.

City of Elk Grove Final 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 \$3925.00 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.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2003-190**

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

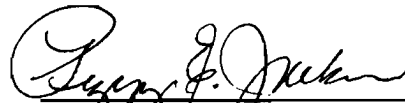
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 1st day of October 2003 by the following vote:

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**