

**RESOLUTION NO. 2005-78**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF ELK GROVE ADOPTING A MISSION STATEMENT GIVING THE CITY THE  
OPTION TO SERVE AS A CONSERVATOR FOR CONSERVATION EASEMENTS  
WITHIN CITY DRAINAGE AREAS**

**WHEREAS**, the City of Elk Grove incorporated in July 2000; and

**WHEREAS**, the City of Elk Grove is committed to preserving and protecting open space and habitat as supported in the General Plan adopted November 19, 2003; and

**WHEREAS**, the City of Elk Grove has staff resources dedicated to serve as a conservator for conservation easements; and

**WHEREAS**, the City of Elk Grove is committed to abiding by the stated purpose and requirements of conservation easements and meeting all regulatory obligations thereof; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove resolves as follows:

The City of Elk Grove adopts the following mission statement and should the City agree to become a conservator, directs staff to abide by the stated purpose and requirements of conservation easements and meeting all regulatory obligations thereof. The mission of the City of Elk Grove, as an easement conservator, is:

***“To promote the restoration and protection of vital wetland and wildlife habitat on lands conserved for the benefit of future generations. The City commits to promoting the stated purpose of granted conservation easements and meeting regulatory obligations of said easements. The City will employ the necessary technical expertise to ensure successful accomplishment of the goals of the easements as appropriate.”***

This mission is supported by the following existing General Plan Policies excerpted from the Conservation and Air Quality Element:

**CONSERVATION POLICIES: CONSERVATION OF NATIVE AND NON-NATIVE HABITATS, PLANTS, AND ANIMALS**

**CAQ-7** Encourage development clustering where clustering would facilitate on-site protection of woodlands, grasslands, wetlands, stream corridors, scenic areas, or other appropriate natural features as open space, provided that:

1. Urban infrastructure capacity is available for urban use.
2. On-site resource protection is appropriate and consistent with other General Plan Policies.
3. The architecture and scale of development is appropriate for the area.
4. Development rights for the open space area are permanently dedicated and appropriate long-term management is provided for by either a public agency, homeowners association, or other appropriate entity.

This policy shall not apply in the Rural Residential area east of State Route 99, where clustering of development is not permitted.

**CAQ-8** Large trees (both native and non-native) are an important aesthetic (and, in some cases, biological) resource. Trees which function as an important part of the City's or a neighborhood's aesthetic character or as natural habitat should be retained to the extent possible during the development of new structures, roadways (public and private, including roadway widening), parks, drainage channels, and other uses and structures.

If trees cannot be preserved onsite, offsite mitigation or payment of an in-lieu fee may be required by the City. Where possible, trees planted for mitigation should be located in the same watershed as the trees which were removed.

Trees which cannot be protected shall be replaced either on-site or off-site as required by the City.

**CAQ-8-Action 1** When reviewing native or non-native trees for preservation, considering the following criteria:

- Aesthetic value
- Biological value
- Shade
- Water quality benefits
- Runoff reduction
- Air quality (pollutant reduction)
- Health of the tree(s)
- Suitability for preservation in place
- Safety hazards posed by the tree(s)

**CAQ-8-Action 2** Develop a list of trees which shall be considered generally exempt from preservation. These may include trees which pose a threat to public safety, to native trees, or to natural habitat.

**CAQ-8-Action 3** Develop a list of trees which may be used when providing replacement trees for the loss of native and non-native trees.

**CAQ-8-Action 4** Implement the City's Tree Preservation Ordinance.

**CAQ-8-Action 5** Amend the City's Tree Preservation Ordinance to conform with the policies of this General Plan and to expand protection to non-native trees.

**CAQ-8-Action 6** Develop a list of trees that should not be planted due to their invasive nature (that is, their ability to escape cultivation or to dominate natural areas) and provide this information to the public and the development community.

**CAQ-8-Action 7** Retain the services of a qualified arborist(s) under contract to the City to provide information to decision-makers and staff on the suitability of trees for preservation.

**CAQ-8-Action 8** Consider the use of revised standard roadway cross-sections which do not require the removal of trees in order to provide additional roadway capacity.

**CAQ-8-Action 9** Provide funds for education, programs, and materials emphasizing the value and importance of trees. Support private foundations with local funds for their tree planting efforts. Encourage the harvesting of native seeds and plants prior to the clearing of project sites.

**CAQ-9** Wetlands, vernal pools, marshland and riparian (streamside) areas are considered to be important resources. Impacts to these resources shall be avoided unless shown to be technically infeasible. The City shall seek to ensure that no net loss of wetland areas occurs, which may be accomplished by avoidance, re-vegetation and restoration onsite or creation of riparian habitat corridors.

**CAQ-9-Action 1** As part of the development review process, ensure that all potentially affected wetland areas are identified, and provide mitigation to ensure that no net loss occurs. Mitigation should occur within the same watershed as the impact, where feasible.

**CAQ-9-Action 2** Coordinate with the California Department of Fish and Game and the U.S. Fish and Wildlife Service in the review of development projects.

**CAQ-10** Consider the adoption of habitat conservation plans for rare, threatened, or endangered species.

**CAQ-10-Action 1** As appropriate, work with the County of Sacramento and other agencies on a Habitat Conservation Plan or other mechanism to implement this policy.

**CAQ 11** The City shall seek to preserve areas, where feasible, where special-status plant and animal species and critical habitat areas are known to be present or

potentially occurring based on City biological resource mapping and data provided in the General Plan EIR or other technical material that may be adversely affected by public or private development projects. Where preservation is not possible, appropriate mitigation shall be included in the public or private project. "Special-status" species are generally defined as species considered to be rare, threatened, endangered, or otherwise protected under local, state, and/or federal policies, regulations or laws.

**CAQ-11 Action 1** The City shall require a biological resources evaluation for private and public development projects in areas identified to contain or possibly contain special-status plant and animal species based on City biological resource mapping and data provided in the General Plan EIR or other technical material. The biological resources evaluation shall determine the presence/absence of these special-status plant and animal species on the site. The surveys associated with the evaluation shall be conducted during the appropriate seasons for proper identification of the species. Such evaluation will consider the potential for significant impact on special-status plant and animal species, and will identify feasible mitigation measures to mitigate such impacts to the satisfaction of the City and appropriate governmental agencies (e.g., U.S. Fish and Wildlife Service, California Department of Fish and Game and U.S. Army Corps of Engineers) where necessary (e.g., species listed under the State and/or Federal Endangered Species Act). Mitigation measures may include, but are not limited to, the following:

- For special-status plant species: On- or off-site preservation of existing populations from direct and indirect impacts, seed and soil collection or plant transplant that ensures that the plant population is maintained.
- For special-status animal species: avoidance of the species and its habitat as well as the potential provision of habitat buffers, avoidance of the species during nesting or breeding seasons, replacement or restoration of habitat on- or off-site, relocation of the species to another suitable habitat area, payment of mitigation credit fees.
- Participation in a habitat conservation plan.

#### CONSERVATION POLICIES: PROTECTION OF WATER QUALITY AND SUPPLY

**CAQ-12**The City shall seek to ensure that the quality of groundwater and surface water is protected to the extent possible.

**CAQ-12-Action 1** Continue to cooperate with the County, other cities, and the Regional Water Quality Control Board regarding compliance with the NPDES permit system, and support other water quality improvement projects in order to maintain compliance with the Basin Plan.

**CAQ-12-Action 2** Implement the City's NPDES permit on all public and private development projects and activities.

**CAQ-12-Action 3** Collect information on design, construction, and operation techniques which help prevent water pollution, and provide this information to the public and the development community.

**CAQ-13** Implement the City's NPDES permit through the review and approval of development projects and other activities regulated by the permit.

**CAQ-14** The city shall seek to minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment and use on-site infiltration of runoff in areas with appropriate soils where the infiltration of storm water would not pose a potential threat to groundwater quality.

**CAQ-15** The City shall encourage water supply service providers and County Sanitation District 1 to design water supply and recycled water supply facilities in a manner that avoids and/or minimizes significant environmental effects. The City shall specifically encourage the Sacramento County Water Agency to design well facilities and operation to minimize surface flow effects to the Cosumnes River.

**CAQ-16** Future land uses that are anticipated to utilize hazardous materials or waste shall be required to provide adequate containment facilities to ensure that surface water and groundwater resources are protected from accidental releases. This shall include double-containment, levees to contain spills, and monitoring wells for underground storage tanks, as required by local, state and federal standards.

#### **CONSERVATION POLICIES: FLOODING AND DRAINAGE**

**CAQ-17** The City recognizes the value of naturally vegetated stream corridors, commensurate with flood control and public acceptance, to assist in removal of pollutants, provide native and endangered species habitat and provide community amenities.

**CAQ-18** Post-development peak storm water run-off discharge rates and velocities shall be designed to prevent or reduce downstream erosion, and to protect stream habitat.

**CAQ-19** Encourage the retention of natural stream corridors, and the creation of natural stream channels where improvements to drainage capacity are required.

**CAQ-19-Action 1** Re-vegetation using native plant species shall be encouraged; use of non-native species shall be discouraged. Use of invasive

species shall be prohibited.

**CAQ-19-Action 2** The City shall permit stream channel realignment only:

- When necessary to eliminate flood hazards, after alternatives to provide flood capacity while protecting the natural alignment have been shown to be infeasible; or
- To protect and preserve natural features and vegetation which would otherwise be removed; or
- If the existing channel has been significantly disrupted by agricultural improvements or other man-made changes.

**CAQ-19-Action 3** The City shall require, to the maximum extent practical, retention of topographic diversity and variation when channels are realigned or modified, including:

- “Self-sustaining” meander characteristics,
- Berms,
- Naturalized side slope, and
- Varied channel bottom elevation,

consistent with the characteristics of the watershed, public safety, and other site-specific considerations.

**CAQ-19-Action 6** All storm drainage improvements on natural streams shall be designed where feasible to maintain water flows necessary to protect and enhance existing fish habitat, native riparian vegetation, water quality, and/or ground water recharge.

**CAQ-19-Action 7** Improvements in watercourses shall be designed for low maintenance, and to accommodate peak flows with vegetation (including mitigation plantings) in the channel. Channel modifications shall retain marsh and riparian vegetation whenever possible.

**CAQ-19-Action 9** Trails along stream corridors shall be located to minimize wildlife impacts and shall be restricted to non-motorized traffic.

**CAQ-19-Action 10** Except where approved by the City as part of the development of a public or private development project, no grading, clearing, tree cutting, debris disposal or any other similar action shall be allowed in stream corridors except for normal channel maintenance.

**CAQ-20** Fill may not be placed in any 100-year floodplain as delineated by currently effective FEMA Flood Insurance Rate Maps or subsequent comprehensive drainage plans unless specifically approved by the City.

No fill shall be permitted in wetland areas unless approved by the City and appropriate state and federal agencies.

**CAQ-21** Development adjacent to a natural stream(s) shall provide a “stream buffer zone” along the stream.

“Natural streams” shall be generally considered to consist of the following, subject to site-specific review by the City:

- Deer Creek
- Elk Grove Creek
- Laguna Creek and its tributaries
- Morrison Creek
- Strawberry Creek
- White House Creek

The following are examples of desired features for this transition zone; the specific design for each transition zone shall be approved on a case-by-case basis by the City.

Stream buffer zones should generally measure at least 50 (fifty) feet from the stream centerline (total width of 100) feet or more, depending on the characteristics of the stream, and shall include:

1. Sufficient width for a mowed fire-break (where necessary), access for channel maintenance and flood control, and for planned passive recreation uses.
2. Sufficient width to provide for:
  - a. Quality and quantity of existing and created habitat,
  - b. Presence of species as well as species sensitivity to human disturbance,
  - c. Areas for regeneration of vegetation,
  - d. Vegetative filtration for water quality,
  - e. Corridor for wildlife habitat linkage,
  - f. Protection from runoff and other impacts of urban uses adjacent to the corridor
  - g. Trails and greenbelts.
3. The stream buffer zone should not include above ground water quality treatment structures designed to meet pollutant discharge requirements.

**CAQ-23** Uses in the stream corridors shall be limited to recreation and agricultural uses compatible with resource protection and flood control measures. Roads, parking, and associated fill slopes shall be located outside of the stream corridor, except at stream crossings.

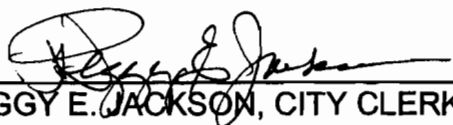
**CAQ-24** Open space lands within a stream corridor shall be required to be retained as

open space as a condition of development approval for projects that include a stream corridor. Unencumbered maintenance access to the stream shall be provided.

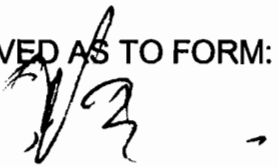
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 23<sup>rd</sup> day of March 2005.

  
DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY



**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-78**

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**



A handwritten signature in cursive script, appearing to read "Peggy E. Jackson".

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