

RESOLUTION NO. 2021-036

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE
SACRAMENTO CONSERVATION AGENCY FOR IMPLEMENTATION OF THE
SOUTH SACRAMENTO HABITAT CONSERVATION PLAN FOR THE MULTI-SPORT
PARK COMPLEX AND GRANT LINE SOUTHEAST INDUSTRIAL AREA PROJECT**

**PROJECT NO. WFC004
SOUTH OF GRANT LINE ROAD AT THE INTERSECTION WITH WATERMAN ROAD
APN: 134-0190-002, -003, -009, -010, -013, -029, -030, -032**

WHEREAS, in 2014 the City of Elk Grove acquired property at the northeast corner of Grant Line Road and Waterman Road for development of a multi-sport park complex; and

WHEREAS, the City property is located outside but adjoining the current corporate boundary of the City; and

WHEREAS, in 2015 the City Council directed that the property be annexed into the City (the Project); and

WHEREAS, the City worked with the Sacramento Local Agency Formation Commission (LAFCo) to prepare a Sphere of Influence Amendment that included the City property and adjoining property to the northeast and southwest, in keeping with LAFCo policies; and

WHEREAS, LAFCo approved the Sphere of Influence Amendment (SOIA) for the City property and the adjoining property, totaling ±571 acres (the SOIA Area) at their regular meeting in May 2019; and

WHEREAS, the City has undertaken technical engineering studies and planning to support the annexation and future development of the SOIA Area, including the preparation of a Specific Plan as required by City General Plan policy; and

WHEREAS, due to current property ownership desires, lot boundaries, and Williamson Act status, the SOIA Area is proposed to be annexed into the City in phases, with the Phase 1 area including the property currently owned by the City, Kendrick, and Cypress Abbey; and

WHEREAS, the City determined that the Project is subject to the California Environmental Quality Act (CEQA), Public Resource Code §§21000 et seq.; and

WHEREAS, the City and LAFCo entered into a Memorandum of Understanding providing for the joint preparation of an Environmental Impact Report (EIR) for the SOIA and future annexation and development of the SOIA Area; and

WHEREAS, that EIR was prepared by the City and LAFCo and certified by LAFCo prior to their approval of the SOIA; and

WHEREAS, during the preparation of the technical engineering studies and planning after approval of the SOIA the City identified that revisions to the EIR Project were necessary and that pursuant to State CEQA Guidelines Section 15163 a Supplemental EIR (SEIR) is appropriate to document the changes to the Project and update Mitigation Measures; and

WHEREAS, on July 20, 2020, the City released a Notice of Preparation for the SEIR; and

WHEREAS, on October 9, 2020, the City released a Notice of Availability for the SEIR, collecting public comments through November 24, 2020; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on January 7, 2021, as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting and voted 4-0 (Commissioner Shuck absent) to recommend certification of the EIR; and

WHEREAS, the City Council held a duly-noticed public hearing on January 27, 2021, as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting; and

WHEREAS, the City Council has certified the SEIR for the Project, adopting Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

WHEREAS, Mitigation Measures 3.5-1b and 3.5-3c of the SEIR provide for participation in the South Sacramento Habitat Conservation Plan as a mechanism to mitigate for Project impacts to special status species.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the agreement with the Sacramento Conservation Agency for implementation of the South Sacramento Habitat Conservation Plan for the Project, in substantially the form presented at Exhibit A, attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 27th day of January 2021



BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

MEMORANDUM OF AGREEMENT REGARDING THE CITY OF ELK GROVE BECOMING A PARTICIPATING SPECIAL ENTITY IN THE SOUTH SACRAMENTO HABITAT CONSERVATION PLAN

This Memorandum of Agreement (“MOA”) is entered into this ____ day of _____, 2020 by and between the City of Elk Grove (“City”), and the South Sacramento Conservation Agency (“Agency”) collectively referred to as (Parties).

WHEREAS, the South Sacramento Habitat Conservation Plan (SSHCP) was adopted by the Agency on October 29, 2018; and

WHEREAS, a Final Revised Implementing Agreement was entered into in April of 2019; and

WHEREAS, the City of Elk Grove is not a Plan Participant and is not subject to the regulatory authority of a Local Land Use Authority Permittee in the SSHCP but did share in the cost of preparing the SSHCP; and

WHEREAS, the SSHCP allows entities that are not subject to the regulatory authority of a Local Land Use Authority Permittee to receive incidental take coverage under the SSHCP as a Participating Special Entity; and

WHEREAS, the Agency is the only Plan Permittee that can extend incidental take coverage to Participating Special Entities; and

WHEREAS, the proposed project or activity must be a Covered Activity as described in Section 5.1 of the SSHCP and the project or activity is required to be consistent with all of the requirements of the SSHCP including the Avoidance and Minimization Measures (AMMs); and

WHEREAS, the City desires to become a Participating Special Entity under the SSHCP for land it is preparing to annex into the City as described in that Sphere of Influence Amendment (SOIA) for the City Multisport Park Complex as described in Sacramento Local Agency Formation Commission application LAFCo 04-15 and LAFCo Resolution No. LAFC 2019-06-0501-04-15; and

WHEREAS, the Parties desire to undertake this MOA to contribute to the conservation of covered species and to minimize and mitigate the effects of Take of Covered Species.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Parties agree as follows:

(a) The City shall be a Participating Special Entity to the Agency pursuant to the provisions in the SSHCP and the April 2019 Implementing Agreement. As such the Agency will issue a Certificate of Inclusion to extend incidental "Take" authorization for certain species in accordance with the terms and conditions of the permits, the SSHCP and the associated Implementing Agreement.

(b) The City may fulfill its obligation under the Certificate of Inclusion by paying the then in effect SSHCP Fee not including the Plan Development Fee or directing the payment of SSHCP Fee by individual property owners or developers as applicable as well as compliance with the Avoidance and Minimization Measures ("AMMs") in the SSHCP. The Plan Development Fee would not be charged to the City for any City owned property in the Sphere of Influence Amendment (SOIA) area, as of the date of annexation because it has already paid to assist in creation of the SSHCP.

(c) Alternatively, the City (or other property owner or developer within the SOIA area) may propose to dedicate land that meets the criteria of the SSHCP to offset some or all of the mitigation fee payment. If the land to be dedicated meets requirements of the SSHCP and is approved by the wildlife agencies (U.S. Fish & Wildlife Services and California Department of Fish & Wildlife) as well as the Agency Board, the Agency shall become the owner of the conservation easement(s) or owner of the land in fee title and the Certificate of Inclusion shall be modified as appropriate to recognize this scenario.

1. Agency role and responsibility

(a) The Agency will facilitate the process for payment of fees by aiding in calculation of such in a timely manner should the City or other property owner or developer within the SOIA area decide to mitigate for the SOIA with the payment of a fee.

(b) Should the City determine that it would like to dedicate land to satisfy mitigation of Covered Species habitat, the City will provide a Preserve Documentation Report (as described in Section 9.4.2 of the SSHCP) for the proposed property to be dedicated and a report to the Agency regarding the ability of the proposed land dedication to meet the criteria outlined in the SSHCP. The approval of a proposed preserve will follow the process outlined in the SSHCP and will be reviewed by the Technical Advisory Committee and the Implementation Review Committee. The Agency Board retains the final approval authority over any proposed preserve. The City may confer with the Agency on the viability of a site prior to formally submitting a Preserve Documentation Report and will be given opportunity to address deficiencies or concerns in the Report prior to final action by the Agency Board.

2. City status as Participating Special Entity.

(a) As a Participating Special Entity under the Agency the City shall comply with the provisions of the SSHCP.

(b) If any property within the SOIA area is proposed to be rezoned, subdivided or otherwise developed, the City shall provide written notice of such proposed project and a description of how the project will comply with the SSHCP, to the Agency prior to the date the proposed project is to be approved.

(c) The City shall comply with the California Environmental Quality Act (CEQA) when as a Participating Special Entity.

(d) In the case where the City is supplying property to be dedicated it will take all necessary actions to finalize a recorded conservation easement in favor of the Agency.

(e) In the event that the City either pays the fee under 1.(b)(i) and/or provides land under 2.(b)(ii) it shall have no further CEQA mitigation requirements in regards to the land cover types and the 28 covered species in the SSHCP.

(f) The City will require that subsequent development within the SOIA complete mitigation through the SSHCP and this MOA by placing a condition of approval, mitigation measure, or similar obligation on any discretionary and ministerial approvals including but not limited to tentative map and design review.

Approved as to form:

**SOUTH SACRAMENTO
CONSERVATION AGENCY**

By: _____

By: _____

Attest to:

By: _____

Approved as to form:

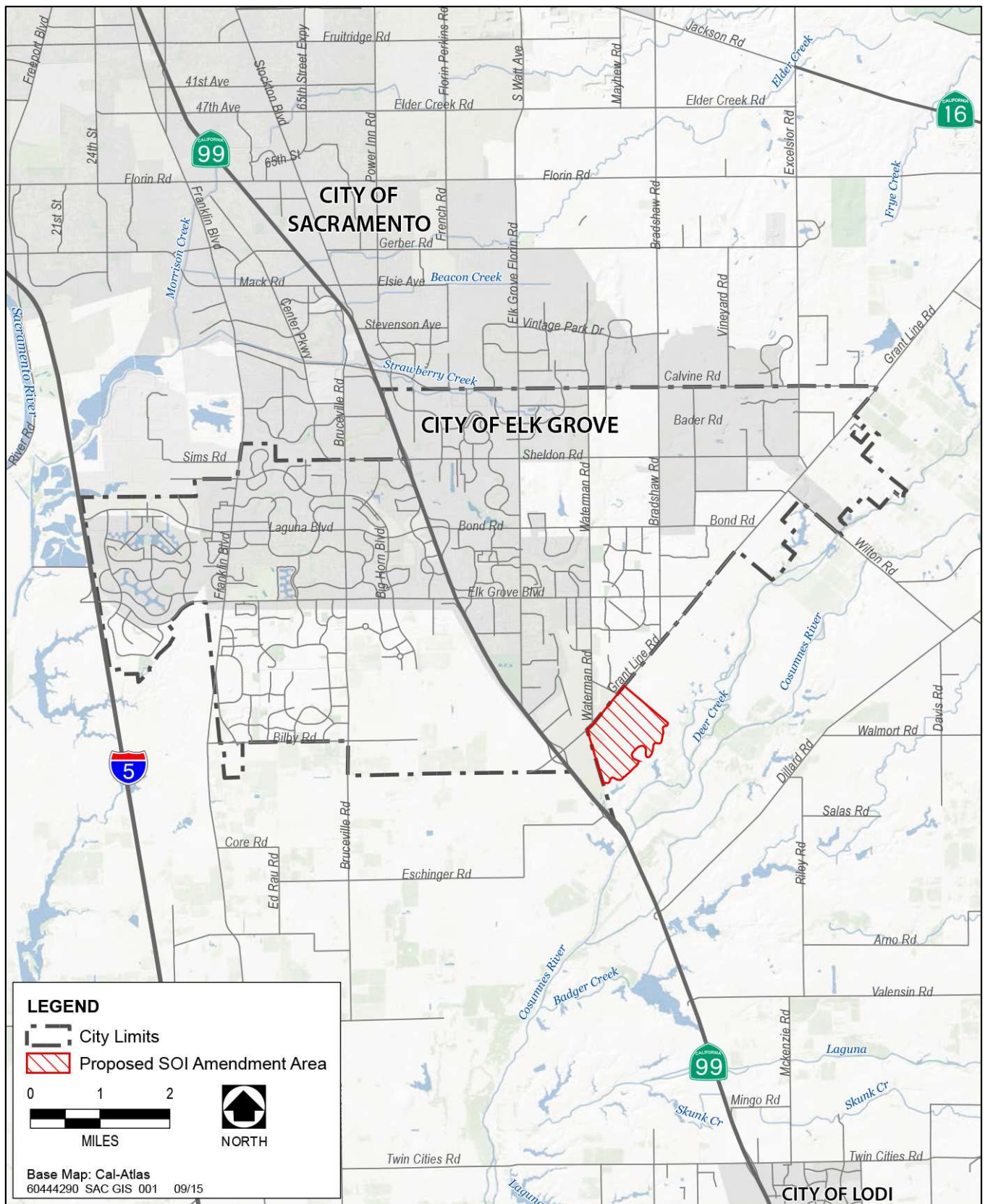
CITY OF ELK GROVE

By: _____
Jonathan P. Hobbs, City Attorney

By: _____
Jason Behrmann, City Manager

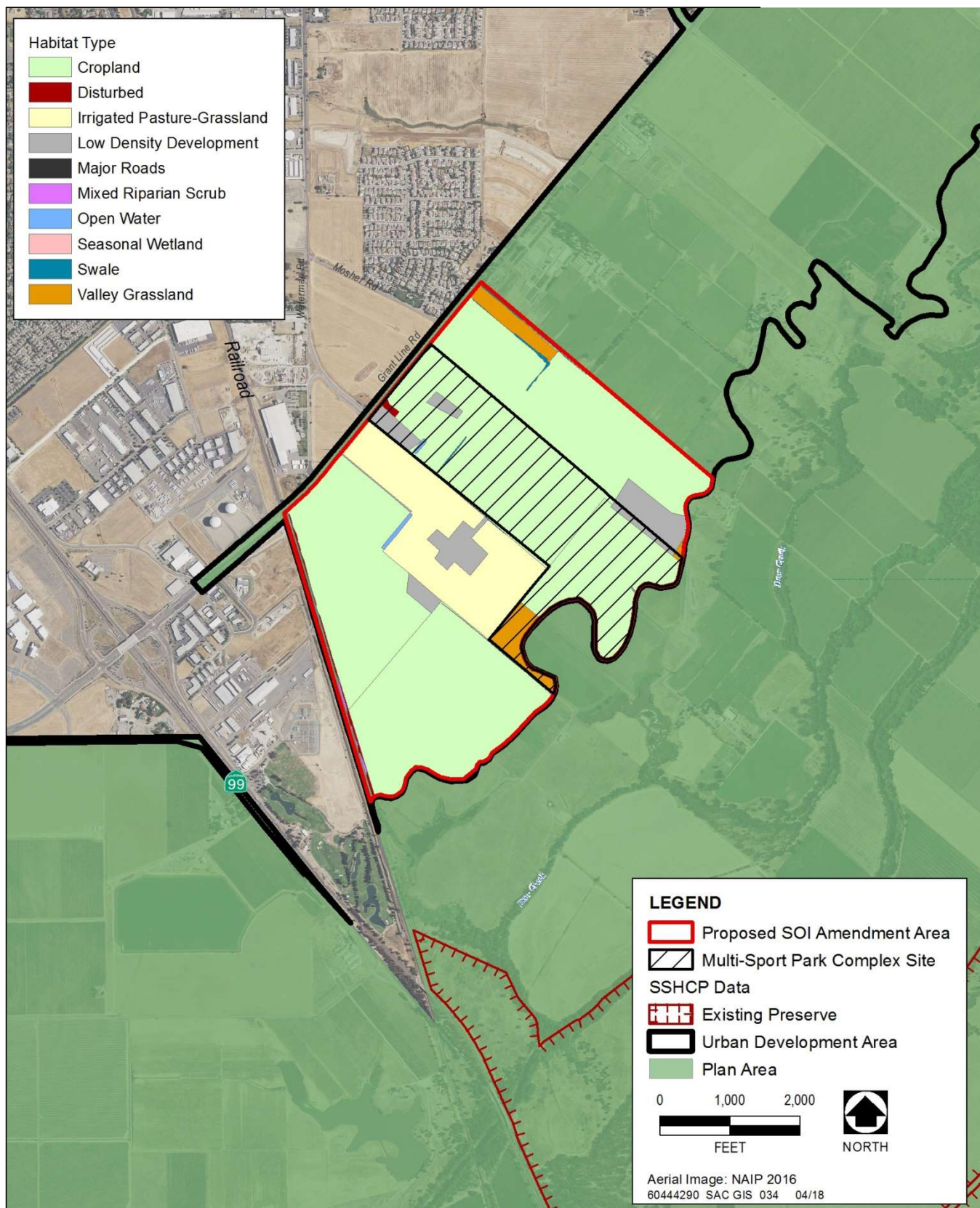
Attest to:

By: _____
Jason Lindgren, City Clerk



Source: Sacramento County 2014; data adapted by AECOM in 2018

Exhibit 2-1 Regional Location



Source: County of Sacramento et al. 2017a

Exhibit 3.5-2 Location of the SOIA Area in Relation to the UDA Boundary

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-036

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 January 27, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California