

RESOLUTION NO. LAFC 2013-12-1106-09-10

**RESOLUTION OF THE SACRAMENTO LOCAL AGENCY FORMATION
COMMISSION ADOPTING A MITIGATION MONITORING AND
REPORTING PROGRAM FOR THE SPHERE OF INFLUENCE AMENDMENT FOR
THE CITY OF ELK GROVE
(State Clearinghouse #2010092076)
(LAFC #09-10)**

WHEREAS, on May 21, 2008, the City of Elk Grove (“City”) submitted an application, and on August 18, 2010, submitted a revised application to the Sacramento Local Agency Formation Commission (“Commission”) for an amendment of its Sphere of Influence;

WHEREAS, the Sacramento Local Agency Formation Commission is the entity authorized to approve a Sphere of Influence pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000;

WHEREAS, the Sacramento Local Agency Formation Commission considered the Proposal to amend the Sphere of Influence for the City of Elk Grove;

WHEREAS, a Final Environmental Impact Report for the proposed project was certified as adequate and complete for the City of Elk Grove Sphere of Influence Amendment (LAFC #09-10) as set forth in Resolution No. LAFC 2013-10-1106-09-10, which is incorporated herein by reference;

WHEREAS, the Final Environmental Impact Report identified mitigation measures for the environmental impacts described in the Final Environmental Impact Report;

WHEREAS, certain of those mitigation measures are conditions of the Commission’s approval of the Sphere of Influence Amendment and apply to any future application to annex property within the City’s amended Sphere of Influence; and

WHEREAS, pursuant to Public Resources Code section 21081.6, a Mitigation Monitoring and Reporting Program is required;

NOW, THEREFORE, the SACRAMENTO LOCAL AGENCY FORMATION COMMISSION HEREBY RESOLVES AS FOLLOWS:

1. The attached Mitigation Monitoring and Reporting Program for the Sphere of Influence Amendment for the City of Elk Grove (“Attachment A”) is hereby adopted and incorporated by reference as though wholly set forth herein. The Mitigation Monitoring and Reporting Program is designed to ensure that during project implementation, the City of Elk Grove, affected landowners, their assigns and successors in interest, and any other responsible

parties comply with the feasible mitigation measures identified in the Final Environmental Impact Report and Findings of Fact adopted herewith.

2. Adoption of this Mitigation Monitoring and Reporting Program does not constitute the approval of any project.

On a motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted by the SACRAMENTO LOCAL AGENCY FORMATION COMMISSION, State of California, this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jimmie Yee, Chair
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

ATTEST:

Commission Clerk

Attachment A to LAFC Resolution No. 2013-12-1106-09-10: Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid Sacramento LAFCo in its implementation and monitoring of measures adopted from the Elk Grove Sphere of Influence Amendment Environmental Impact Report (EIR).

Mitigation Measures

The mitigation measures are taken from the Elk Grove Sphere of Influence Amendment Recirculated Draft EIR, as amended in the Final EIR as appropriate, and are assigned the same number they had in the Draft EIR. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMRP Components

The components of each monitoring form are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in the Elk Grove Sphere of Influence Amendment EIR are presented and numbered accordingly.

Timing/Implementation: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified. Within the City of Elk Grove, a number of departments and divisions would have responsibility for implementation of the measures.

Enforcement/Monitoring Party: Sacramento LAFCo is responsible for ensuring that mitigation measures are successfully implemented. In some cases, the MMRP identifies other agencies with which the City of Elk Grove would need to consult in order to implement the measure.

MITIGATION MONITORING AND REPORTING PROGRAM

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
AES-3	AES-3	<p>To mitigate impacts on visual character, prior to the submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that: (1) Trees that 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 feasible during the development of new structures, roadways (public and private, including roadway widening), parks, drainage channels, and other uses and structures. (2) If trees cannot be preserved on-site, the City may require off-site mitigation or payment of an in-lieu fee. Trees that cannot be preserved shall be replaced either on- or off-site as required by the City, and trees planted for mitigation should be located in the same watershed as the trees that were removed, when feasible.</p>	<p>Prior to application submittal</p>	<p>Sacramento LAFCo</p>	
AES-4	AES-4	<p>To mitigate impacts on light and glare, prior to the submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that: All projects in the SOIA Area shall comply with the City of Elk Grove's Citywide Design Guidelines by minimizing the use of reflective materials in building design in order to reduce the potential impacts of daytime glare and designing outdoor light fixtures to be directed/shielded downward and screened to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky glow conditions.</p>	<p>Prior to application submittal</p>	<p>Sacramento LAFCo</p>	
AG-1	AG-1	<p>At the time of submittal of any application to change land uses</p>	<p>Application submittal</p>	<p>Sacramento LAFCo</p>	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that applicants conserve one (1) acre of existing farmland land of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that would be developed as a result of the project. This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson’s hawk foraging habitat mitigation). The farmland/wildlife habitat land to be preserved must have adequate water supply to support agricultural use. The City shall consider the benefits of preserving farmlands in proximity to other protected lands.</p> <p>The total acres of land conserved will be based on the total on-site agriculture acreage converted to urban uses. Conserved agriculture areas may include areas on the project site, lands secured for permanent habitat enhancement (e.g., giant garter snake habitat, Swainson’s hawk habitat), or additional land identified by the City. The City shall attempt to locate preserved farmland within 5 miles of the SOIA Area; however, the preserved farmland shall at a minimum be located inside Sacramento County. The City shall demonstrate to LAFCo that it shall impose the conservation easement content standards to include, at a minimum: land encumbrance documentation; documentation that the easements are permanent, monitored, and appropriately endowed; prohibition of activity which substantially impairs or diminishes the agricultural productivity of the land; and protection of water rights.</p> <p>In addition, the City shall demonstrate to LAFCo, through the policy or adopted planning documents that it will impose the</p>			

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>following minimum conservation easement content standards:</p> <ul style="list-style-type: none"> a) All owners of the agricultural/wildlife habitat mitigation land shall execute the document encumbering the land. b) The document shall be recordable and contain an accurate legal description of the agricultural/wildlife habitat mitigation land. c) The document shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land. If the conservation easement is also proposed for wildlife habitat mitigation purposes, the document shall also prohibit any activity that substantially impairs or diminishes the wildlife habitat suitability of the land. d) The document shall protect any existing water rights necessary to maintain agricultural uses on the land covered by the document and retain such water rights for ongoing use on the agricultural/wildlife habitat mitigation land. e) Interests in agricultural/habitat mitigation land shall be held in trust by an entity acceptable to the City and/or by the City in perpetuity. The entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land that it acquires without the City's prior written approval. f) The applicant shall pay to the City an agricultural/wildlife habitat mitigation monitoring fee to cover the costs of administering, monitoring, and enforcing the document in an amount determined by the receiving entity, in an amount determined by the City. g) The City shall be named a beneficiary under any document conveying the interest in the agricultural/wildlife habitat mitigation land to an 			

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman, Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
AG-2		<p>entity acceptable to the City.</p> <p>h) If any qualifying entity owning an interest in agricultural/wildlife habitat mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall be transferred to another entity acceptable to the City or transferred to the City.</p> <p>Before committing to the preservation of any particular farmland pursuant to this measure, the project proponent shall obtain the City's approval of the farmland proposed for preservation.</p>	Application submittal	Sacramento LAFCo	
AG-3	AG-3	<p>Implement Mitigation Measure AG-1.</p> <p>At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA), the City of Elk Grove shall prepare an agricultural land use compatibility plan for the SOIA Area. The plan shall include implementation of the City's Agricultural Activities ordinance (Municipal Code, Chapter 14.05), as required under Elk Grove General Plan Policy CAQ-4-Action 1, site design, screening, fencing, landscaping, and setbacks. Prospective buyers of property adjacent to agricultural land shall be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities as per provisions of the City's Agricultural Activities ordinance (City of Elk Grove Municipal Code Chapter 14.05).</p>	Application submittal	Sacramento LAFCo	
AIR-1	AIR-1	<p>Prior to the submission of any application to annex any portion of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will prepare an Air Quality Mitigation Plan. The Air Quality Mitigation Plan must reduce the operational emissions of development within the SOIA Area by 35% when compared to the potential emissions that could occur in the SOIA Area in absence of policies and measures</p>	Prior to application submittal	Sacramento LAFCo/ Sacramento Metropolitan Air Quality Management District	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFC #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
		<p>included in the Air Quality Mitigation Plan. The City of Elk Grove will coordinate the development of the Air Quality Mitigation Plan with the Sacramento Metropolitan Air Quality Management District (SMAQMD) and Sacramento Area Council of Governments (SACOG), and will use modeling tools approved by those agencies to gauge the effectiveness of the measure.</p> <p>In the cases in which an application for annexation of the SOJA Area or any portion thereof occurs after the June 15, 2019 State Implementation Plan (SIP) attainment deadline, the SMAQMD confirms the SIP standards have been achieved, and the City of Elk Grove demonstrates that the development proposal is consistent with the new SIP or attainment plan and the SMAQMD concurs with the analysis; a 15% reduction to operational emissions when compared to the potential emissions that could occur in the SOJA Area in absence of Air Quality Mitigation Plan policies and measures is required.</p>			
AIR-2	AIR-2	<p>At the time of submittal to annex land within the Sphere of Influence Amendment (SOJA) Area from agricultural uses to urban uses, the City of Elk Grove will require all discretionary projects to comply with all the most current SMAQMD measures at the time of construction to address construction-generated emissions. This will include emission reduction requirements for construction equipment and development of an inspection and enforcement plan associated with construction equipment emissions. Emission reduction requirements shall be met using the emission reduction tools most current at the time of construction (or annexation). In addition, compliance with any applicable SMAQMD Rules in effect at the time of construction will be demonstrated.</p>	Application submittal	Sacramento LAFCo	
AIR-3		Implement Mitigation Measure AIR-1.	Prior to application submittal	Sacramento LAFCo/ Sacramento Metropolitan Air	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
AIR-4		Implement Mitigation Measures AIR-1 and AIR-2	Prior to application submittal	Quality Management District	
AIR-5	AIR-5	To mitigate impacts on local mobile source CO concentrations, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that the Sacramento Metropolitan Air Quality Management District's (SMAQMD) 2009 Guide to Air Quality Assessment in Sacramento County, as updated in June 2011, or most current guidance on the screening and assessment of CO, PM10, and PM2.5 hotspots will be implemented for all development proposals within the SOIA Area. The City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission at the time of any application to annex territory within the SOIA Area. In addition, the City of Elk Grove shall demonstrate that sufficient mitigation will be required of all identified potentially significant CO, PM10, and PM2.5 hotspots to reduce the impact to less than significant.	Prior to application submittal	Sacramento LAFCo/ Sacramento Metropolitan Air Quality Management District	
AIR-6	AIR-6	To mitigate impacts to sensitive receptors, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that all discretionary projects will be required to review existing sources of toxic air contaminants	Prior to application submittal	Sacramento LAFCo	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFC #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>in and around the project site and to develop mitigation to address sensitive land use (e.g. residential, schools, hospitals) exposure to toxic air contaminants. Methods may include buffers with appropriate landscaping, building design with additional air filtration, and emission source controls. The plan must meet the standards currently in use by the Sacramento Metropolitan Air Quality Management District in connection with such toxic air contaminants. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission.</p>			
AIR-7	AIR-7	<p>To mitigate impacts from objectionable odors, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that all discretionary projects will be required to review existing sources of odor in and around the project site, including (but not limited to) any land use referenced in Sacramento Metropolitan Air Quality Management District's (SMAQMD) CEQA Guidance document as an odor-generating land use and to develop mitigation to address odor impacts that will protect sensitive land use (e.g. residential, schools, hospitals) in consultation with SMAQMD. Methods to address odor impacts may include buffers and emission source controls. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to LAFCo.</p>	<p>Prior to application submittal</p>	<p>Sacramento LAFCo</p>	
BIO-1a	BIO-1a	<p>At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will demonstrate to LAFCo compliance with all following measures: A. A reconnaissance-level biological survey of the area to be annexed shall be performed by a professional</p>	<p>Application submittal</p>	<p>Sacramento LAFCo</p>	

Impact Number	MM Number	Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
		<p>biologist approved by the lead agency to identify habitats and individuals of special-status species defined in this Recirculated EIR. This will permit the lead agency to track impacts to special-status species on a regional basis rather than on project-by-project basis, when feasible.</p> <p>B. Avoidance of special-status species and their habitats shall be addressed during project design. If avoidance is infeasible, mitigation of special-status species shall occur pursuant to measure C, below.</p> <p>C. The City of Elk Grove shall participate in the South Sacramento County Habitat Conservation Plan or shall require the preparation and implementation of a Habitat Conservation Management Plan (HCMP) for all affected special status species and habitats. The HCMP shall include assessment, disclosure and mitigation for nesting and foraging habitat impacts to protected species, as discussed further in Mitigation Measure BIO-1b and BIO-1c. The HCMP shall be developed in consultation with California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA); the HCMP shall be submitted to the CDFW and the USFWS for approval. The City of Elk Grove shall consult with Sacramento County during development of the HCMP, in the County's capacity as the lead of the South Sacramento Habitat Conservation Plan (SSHCP). The City of Elk Grove shall provide proof of consultation with the County, CDFW, and USFWS to LAFCo.</p> <p>D. If an HCMP is prepared, it shall incorporate mitigation guidelines of these agencies for listed species. For non-listed but sensitive species as</p>			

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>defined by this Recirculated EIR, the HCMP shall incorporate, but will not be limited to the following, goals and policies:</p> <ul style="list-style-type: none"> • Require clustering of urban development to retain non-disturbed open space areas. • Require comprehensive site development standards to minimize removal of existing vegetation and to require installation and long-term maintenance of landscaping in setback and buffer areas. Landscaping in buffer areas adjacent of preserved habitat areas should be of native and non-invasive plant materials, and non-irrigated. • Require appropriate buffers between development and Right to Farm Ordinance lands, Nature Conservancy Lands, and Stone Lakes National Wildlife Refuge. • Require buffers between development and drainage canals that serve as habitat and ultimately drain into Stone Lakes National Wildlife Preserve, Nature Conservancy lands, and/or Farmland Preservation Zones; buffers shall be a minimum of 150 feet on either side of said drainage canals. • Minimize impacts to movement corridors to ensure movement of wildlife. • Provide for the integrity and continuity of wildlife and plant habitat. • Support the acquisition, development, maintenance, and restoration of habitat lands for wildlife and plant enhancement. <p>E. The special-status species referred to herein are those identified under the applicable federal and state laws</p>			

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
BIO-1b	BIO-1b	<p>listed in Table 3.4-2 and -3.</p> <p>To mitigate impacts on nesting for Swainson's hawk and other raptors (including burrowing owl), prior to the submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that the following requirements shall be applied to development proposals within the SOIA Area, and required actions will be completed prior to development activity:</p> <ul style="list-style-type: none"> • A California Department of Fish and Wildlife (CDFW)-qualified biologist will be retained by the applicant to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the proposed development and active burrows on the development site if accessible. The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no more than 15 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley shall be followed for surveys for Swainson's hawk, and the guidelines provided in the California Department of Fish and Wildlife's (CDFW) Burrowing Owl Survey Protocol and Mitigation Guidelines shall be followed for burrowing owls. The results of the survey shall be submitted to the City of Elk Grove and the CDFW. • If no nests are found, no further nesting mitigation is required. • If active nests are found, impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around the nests, 	<p>Prior to application submittal</p>	<p>Sacramento LAFCo/ California Department of Fish and Wildlife</p>	

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>and impacts to burrowing owls shall be avoided by establishing appropriate buffers around the nests. No project activity shall commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined, in consultation with CDFW, that reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.</p> <ul style="list-style-type: none"> • If construction-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Construction-related activities may only be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of the CDFW. The designated on-site biologist/monitor shall be on-site daily while construction related activities are taking place within the temporary nest disturbance buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. 			

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
BIO-1c	BIO-1c	<p>To mitigate impacts on foraging habitat for Swainson’s hawk, other raptors (including burrowing owl), and greater sandhill cranes, the City of Elk Grove shall demonstrate to LAFCo prior to annexation of all or part of the Sphere of Influence Amendment (SOIA) Area, through policy or adopted planning documents, that conservation easements or other instruments to acquire and preserve suitable foraging habitat for Swainson’s hawk and greater sandhill crane are identified and will be implemented, as determined by the California Department of Fish and Wildlife (CDFW). Foraging impacts mitigation shall be required for the following planning actions that would occur within the SOIA Area:</p> <ul style="list-style-type: none"> A. Any request to change land use zoning or general plan designation from agricultural to a non-agricultural land use, B. Any request to subdivide five (5) acres or more of contiguous land zoned AR-1 or AR-2, C. Any request for land use entitlement for a nonagricultural use of land zoned with an agricultural designation, D. Any request for a land use entitlement for a nonagricultural use of land five (5) acres or more in size that is zoned AR-1 or AR-2, or E. Any public improvement project proposed by any department or agency of the City of Elk Grove on land with agricultural designation. <p>The project shall acquire conservation easements or other instruments to preserve suitable foraging habitat. In deciding whether to approve the land for proposed preservation, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation should occur prior to the onset of any development activities that would cause the impact (i.e., land clearing or site grading) or the issuance of permits for grading, building or other site</p>	<p>Prior to annexation</p>	<p>Sacramento LAFCo/ California Department of Fish and Wildlife</p>	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>improvements, whichever occurs first.</p> <ul style="list-style-type: none"> • Swainson's hawk. The location and suitability of mitigation parcels, as well as the conservation instruments protecting them shall be acceptable to the City and to the CDFW. The amount of land shall be governed by a one-to-one (1:1) mitigation ratio for each acre developed. The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the City in consultation with CDFW. • Greater sandhill crane. The location and suitability of mitigation parcels, as well as the conservation instruments protecting them shall be acceptable to the City and to the CDFW. The amount of land preserved shall be governed at a 1:1 mitigation ratio for each acre developed. The land to be preserved shall be deemed suitable greater sandhill crane foraging habitat by the City in consultation with CDFW. <p>Where impacts for these species overlap (lands that support foraging for both species) mitigation can occur at 1:1 if mitigation sites support both species.</p> <p>The City of Elk Grove shall require minimum conservation easement content standards to be implemented to the satisfaction of LAFCo. Minimum conservation easement contents must include, but are not limited to: documentation and recorded encumbrances on the land, prohibition of activity which substantially impairs or diminishes the land's capacity as suitable foraging habitat, water rights protections, and requirements for the mitigation land to be held in trust in perpetuity.</p> <p>This mitigation measure may be implemented in combination with Mitigation Measure AG-1, which requires the preservation of agricultural land, as long as the agricultural land is determined by the City in consultation with CDFW to be suitable habitat pursuant to the conditions and requirements</p>			

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman, Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>listed above. In addition, this mitigation measure may allow the joint use of land for both Swainson's hawk and greater sandhill crane foraging habitat mitigation, as long as the land is determined by the City in consultation with CDFW to be suitable habitat pursuant to the conditions and requirements listed above. In the event that it is infeasible to acquire the necessary easements prior to annexation and development, the City will apply its impact mitigation fee program, used to acquire available land with suitable foraging habitat values at the ratios and conditions specified above.</p>			
BIO-2	BIO-2	<p>Prior to annexation of any or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo that the City shall require the following actions from all future development within the SIOA Area:</p> <ul style="list-style-type: none"> • Prior to the approval of grading or improvement plans, and before any groundbreaking activity associated with future projects, the City shall require project applicant(s) of all project's that would include fill of wetlands or other waters of the U.S. or waters of the state to complete site-specific wetland delineations and obtain all necessary permits under sections 401 and 404 of the Clean Water Act or the state's Porter-Cologne Act and a CDFW Streambed Alteration Agreement for the respective phase. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction as determined during the Section 401 and Section 404 permitting processes but will result in not less than 1 acre created/ enhanced/ restored to each acre impacted. Wetland mitigation should occur within the same watershed as the impact, where 	Prior to annexation	Sacramento LAFCo	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFC #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman, Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		feasible.			
BIO-3		Implement Mitigation Measure BIO-2.	Prior to annexation	Sacramento LAFCo	
BIO-4		Implement Mitigation Measure BIO-1a and BIO-2.	Prior to annexation	Sacramento LAFCo	
BIO-5	BIO-5	<p>To mitigate impacts from conflicts with local biological policies or ordinances, prior to submittal of an application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that tree protection will be consistent with either: (1) the City's current tree preservation standards under Municipal Code Chapter 19.12 or (2) the following mitigation measure. For the purposes of the SOIA Area, Swainson's hawk next trees will receive the same consideration as heritage or landmark trees.</p> <p>A. Reconnaissance-level tree survey of the SOIA Area should be performed by a certified arborist to identify native tree resources, particularly those that may be designated as landmark or heritage trees. This will enable the lead agency to track impacts to native trees on a regional basis rather than a project-by-project basis, when feasible.</p> <p>B. Minimization of impacts to protected tree species shall be undertaken during project design. If avoidance is infeasible, mitigation of native trees pursuant to measures D through F below shall be conducted.</p> <p>C. In addition to native oak trees, all native tree species should be protected under the City of Elk Grove's Tree Preservation and Protection Code Chapter 19.12. The mitigation rate would be the same as those in the Ordinance current at the time of this document, unless future versions require a higher</p>	Prior to application submittal	Sacramento LAFCo	

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>mitigation rate, but it would also require obtaining replacement trees from local genetic stock.</p> <p>D. A five-year monitoring plan shall be completed for all mitigation plantings. The monitoring plan would include appropriate irrigation schedules, as well as criteria for success and reestablishment during the 5-year period. A success rate of not less than 80 percent at the end of the 5-year monitoring period is recommended.</p> <p>E. Individual trees or groups of trees preserved shall be fully protected during construction. A temporary protective fence shall be established at a minimum of 10 feet beyond the drip line of the retained native trees. The fence shall be in place prior to beginning construction activities, including grading. Within this protective buffer, no grading, trenching, fill, or vegetation alteration shall be allowed.</p> <p>F. Mitigation shall target large tracts or contiguous native tree habitat. Connectivity between native tree woodland preserves as well as adequate buffering from development is important to promote native tree recruitment, the long-term viability of the habitat, and wildlife use of the area.</p>			
CUL-1	CUL-1	<p>To mitigate impacts on historic resources, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will impose the following conditions on all discretionary projects:</p> <ul style="list-style-type: none"> • Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work 	Prior to application submittal	Sacramento LAFCo	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)
 Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
CUL-2	CUL-2	<p>shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.</p> <ul style="list-style-type: none"> The Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeological, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action. All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of the California Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed. 			
CUL-2	CUL-2	To mitigate impacts on archaeological resources, prior to submittal of any application to annex all or part of the Sphere	Prior to application submittal	Sacramento LAFCo	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)
 Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will impose the following conditions on all discretionary projects:</p> <ul style="list-style-type: none"> • Should any archaeological resources be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the archaeological resources. • The City of Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeological, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action. 			
CUL-3	CUL-3	<p>To mitigate impacts on paleontological resources, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will impose the following conditions on all discretionary projects:</p> <ul style="list-style-type: none"> • Should any paleontologic artifact be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that 	Prior to application submittal	Sacramento LAFCo	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the paleontologic artifact.</p> <ul style="list-style-type: none"> The City of Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action. 			
CUL-4		Implement Mitigation Measure CUL-1.	Prior to application submittal	Sacramento LAFCo	
GEO-1	GEO-1	To mitigate impacts from seismic hazards, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City shall demonstrate to LAFCo, through policy or adopted planning documents, that it will require a geotechnical report or other appropriate analysis be conducted at time of development application submittal to determine the shrink/swell potential and the stability of the soil for public and private construction projects and to identify measures necessary to ensure stable soil conditions.	Prior to application submittal	Sacramento LAFCo	
GHG-1	GHG-1	Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall amend or augment the City's greenhouse gas emissions inventory projections to account for potential development of the SOIA Area. Analysis assumptions, methodology and emission factors used by the City shall be	Prior to annexation	Sacramento LAFCo /Sacramento Metropolitan Air Quality Management	

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>submitted for review to the Sacramento Metropolitan Air Quality Management District (SMAQMD). In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission. The City will require that discretionary project comply with any one of the following performance criteria:</p> <ul style="list-style-type: none"> a. Efficiency Metric: Greenhouse gas emissions would be less than 6.6 annual metric tons of carbon dioxide equivalent per service population. Service population comprises both residents and employees that would be accommodated by the SOIA Area. b. Percent Reduction: Greenhouse gas emissions would be reduced by 29 percent from the year 2020 business-as-usual baseline. The business-as-usual baseline parameters will be determined in consultation with the SMAQMD. c. Climate Action Plan Consistency: The City shall demonstrate that development in the SOIA Area will comply with applicable SECAP measures and the City's emission reduction goals. 		District	
GHG-2		Implement Mitigation Measure GHG-1.	Prior to annexation	Sacramento LAFCo /Sacramento Metropolitan Air Quality Management District	
HAZ-4	HAZ-4	To mitigate impacts from hazardous materials sites, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will impose the following conditions on all discretionary projects. Prior to site	Prior to application submittal	Sacramento LAFCo	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFC #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
HYD-2		<p>improvements for properties that are suspected or known to contain hazardous materials and sites that are listed on or identified on any hazardous material/waste database search, the site and surrounding area shall be reviewed, tested, and remediated for potential hazardous materials in accordance with all local, state, and federal regulations.</p> <p>Implement Mitigation Measure USS-1</p>	<p>Prior to annexation</p>	<p>Sacramento LAFCo</p>	
HYD-3	HYD-3	<p>Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall require that new projects in the SOIA Area not result in new or increased flooding impacts on adjoining parcels on upstream and downstream areas. This can be accomplished by (1) Preparing a Master Drainage Plan (Plan) for the SOIA Area, and requiring site-specific drainage plans for future projects to conform to requirements of the Plan, or (2) enacting modification of the City's existing Stormwater Master Plan that includes the following components. The Plan shall include disclosure of where stormwater is designed to be released into roadway crossings at State Route 99 and/or Interstate 5 roadway facilities. The Plan shall include a review, analysis, and disclosure of locations where channel capacity inadequacies lie, as well as capacities of bridges crossing State Route 99 and Interstate 5 associated with inadequate channels. The Plan shall identify the need for additional bridge capacity, if necessary. City shall develop measures to minimize, avoid, reduce, or compensate for potential impacts to roadway facilities in consultation with the California Department of Transportation. The City shall provide copies of the Drainage Master Plan and all/any studies and models developed to design the stormwater facilities or that support the Plan. The City shall provide proof of consultation with the California Department of Transportation to LAFCo. In addition, the Master Drainage Plan shall identify areas of potential impacts due to encroachments on channels</p>	<p>Prior to annexation</p>	<p>Sacramento LAFCo</p>	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFC #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
		<p>or levees, measures to provide improvements or maintenance where development in the SOIA Area would affect channels or levees.</p> <p>The Plan shall require individual projects to prepare a detailed drainage plan that demonstrates attainment of pre-project runoff rates prior to release at the outlet canal and describes the volume reduction measures and treatment controls used to reach attainment. The Master Drainage Plan shall identify all expected flows from the project area and the location, size, and type of facilities used to retain and treat the runoff volumes and peak flows to meet pre-project conditions. The Master Drainage Plan shall also include the geotechnical report verifying groundwater elevation for the regional basins.</p>			
HYD-4a	HYD-4a	<p>Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall prepare a local plan of flood protection that shows the following for land within the SOIA Area: identification of all types of flood hazards (levee failure inundation, 100-year storm flooding, 200-year storm flooding and 500-year storm flooding), and locations of flood management facilities. The City shall provide proof of consultation with the California Department of Transportation to LAFCo.</p> <p>The City will not approve any discretionary permit or entitlement, or any ministerial permit that would result in the construction of a new residence; any tentative map, or any parcel map for which a tentative map was not required; or enter into development agreement for projects located within a 200-year flood zone, unless the City makes, based on substantial evidence, one of the findings found in Government Code Section 65865.5.</p>	Prior to annexation	Sacramento LAFCo	

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
HYD-4b	HYD-4b	Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will require that new development demonstrate that for land within the 100-year floodplain (to be identified by hydraulic and hydrologic modeling), that post-development storm water run-off peak flows and volumes will not exceed predevelopment levels within or downstream of the SOIA Area.	Prior to annexation	Sacramento LAFCo	
LU-2		Implementation of all mitigation measures in the RDEIR.	As required by each mitigation measure	As required by each mitigation measure	
LU-3		Implement Mitigation Measure BIO-1a.	Application submittal	Sacramento LAFCo	
LU-4		Implement Mitigation Measure AG-1.	Application submittal	Sacramento LAFCo	
POP-1a	POP-1a	At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will demonstrate consistency with the Sacramento Area Council of Governments (SACOG) regarding the Regional Blueprint and consistency with the Metropolitan Transportation Plan/Sustainable Community Strategy, and provide LAFCo with evidence of the results of this consultation.	Application submittal	Sacramento LAFCo	
POP-1b	POP-1b	At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall: <ul style="list-style-type: none"> • Revise and update its General Plan in accordance with state law that addresses the annexed territory; • Update the Housing Element (updated to reflect the annexed territory) to establish that the City has or will meet its Regional Housing Needs Allocation (RHINA) for all income levels as defined in 	Application submittal	Sacramento LAFCo	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFC #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
TRANS-1	TRANS-1	<p>Government Code Section 65588.</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove will consult with Sacramento County and Caltrans to establish transportation improvement plans and funding mechanisms to provide service levels consistent with the City's General Plan, County's General Plan, and Caltrans standards. In addition, any future annexation and development activity within the SOIA Area will require the preparation of traffic impact analyses that would include discussion of the project's fair-share contribution and mitigation strategies.</p>	Application submittal	Sacramento LAFCo/ County of Sacramento/ California Department of Transportation	
TRANS-2		Implement Mitigation Measure TRANS-1.	Application submittal	Sacramento LAFCo/ County of Sacramento/ California Department of Transportation	
TRANS-5a	TRANS-5a	At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall update the City's Bicycle and Pedestrian Master Plan to delineate bicycle and pedestrian facilities in the SOIA Area consistent with the goals and policies of the City's General Plan. The update will identify on- and off-street bikeways and pedestrian routes as well as support facilities. Development in the SOIA Area shall be responsible for implementing the master plan recommendation as development occurs in the project area.	Application submittal	Sacramento LAFCo	
TRANS-5b	TRANS-5b	At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall complete a transit master plan for the SOIA Area consistent with policies of the City's General Plan.	Application submittal	Sacramento LAFCo	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
USS-1	USS-1	<p>This plan will identify the roadways to be used by bus transit routes, locations for bus turnouts and pedestrian shelters, locations for bus transfer stations, alignment for fixed-route rail service, and the location of rail service stations. Future development in the SOIA Area and the City of Elk Grove shall be responsible for implementing the master plan recommendations as development occurs in the project area.</p> <p>Prior to LAFCo approval of annexation of any portion of the City of Elk Grove SOIA territory, the City must demonstrate that through the Plan for Services as required by Government Code section 56430, or its successor, to allow the Commission to determine that: (1) the requirement for timely water availability, as required by law, is met; (2) its water purveyor is a signatory to the Water Forum Successor Effort, (3) the amount of water provided will be consistent with the geographical extent of the SOIA territory and the groundwater sustainable yield described in the Water Forum Agreement. water will be provided in a manner that ensures no overdraft will occur; and (4) existing water customers will not be adversely affected. The Plan for Services shall be sufficient for LAFCo to determine timely water availability to the affected territory pursuant to Government Code Section 56668, subdivision (k), or its successor.</p>	Prior to annexation	Sacramento LAFCo	
USS-2		<p>Prior to submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will provide a Plan for Services that demonstrates that the wastewater transmission and treatment providers have requested that the SOIA Area be within their respective Spheres of Influence if a public agency, and that such providers have prepared or approved an infrastructure plan and funding program to ensure compliance with Federal Clean Water Act and applicable state standards; and that sufficient transmission infrastructure, and treatment and disposal</p>	Application submittal	Sacramento LAFCo	

Sacramento LAFCo – Elk Grove Sphere of Influence Amendment (LAFCo #09-10)

Mitigation Monitoring and Reporting Program

Michael Brandman Associate

Impact Number	MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
USS-3		Implement Mitigation Measure HYD-3	Prior to annexation	Sacramento LAFCo	
USS-4	USS-4	At the time of submittal of any application to annex any or all territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall identify solid waste services, including contract service operation if applicable, to be extended, the level and range of services, timing of services, improvements of facility upgrades associated with the services, and how the services will be financed to accommodate the buildout of the SOIA Area.	Application submittal	Sacramento LAFCo	