

APPENDIX H

Implementation Ordinance/Resolution

EXHIBIT XX

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR IMPLEMENTATION OF THE SOUTH SACRAMENTO HABITAT CONSERVATION PLAN

WHEREAS, the County of Sacramento Board of Supervisors finds that the ecosystems of the County of Sacramento (“County”) and/or southern Sacramento County and the vegetation communities and sensitive species they support are fragile, irreplaceable resources that are vital to the general welfare of all residents; these vegetation communities and natural areas contain habitat value which contributes to the region’s environmental resources; and special protections for these vegetation communities and natural areas must be established to prevent future endangerment of the plant and animal species that are dependent upon them.

WHEREAS, this Resolution will protect the County’s and the region’s biological resources, vegetation communities, and natural areas, and prevent their degradation and loss by guiding development outside of important resource areas, and by establishing mitigation standards which will be applied to development projects.

WHEREAS, adoption and implementation of this Resolution will enable the County to achieve the conservation goals set forth in the South Sacramento Habitat Conservation Plan (“SSHCP”), to implement the associated Implementing Agreement executed by the Board of Supervisors on _____, 2016, and to preserve the ability of affected property owners to make reasonable use of their land consistent with the requirements of the National Environmental Policy Act (“NEPA”), the California Environmental Quality Act (“CEQA”), the Federal Endangered Species Act (“FESA”),

the California Endangered Species Act (“CESA”), the Federal Clean Water Act, the Porter-Cologne Water Quality Control Act, California Fish and Game Code Section 1600, and other applicable laws.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED

SECTION I. APPLICATION OF REGULATIONS

Except as provided in Section II, this Resolution shall apply to all land within the County shown on the SSHCP Plan Map, attached as Exhibit “1.” Upon application to the County for a development project, an applicant shall be required to comply with the procedures set forth in this Resolution. Upon the County’s initiation of a project that is subject to CEQA, the County shall be required to comply with the procedures set forth in this Resolution. No project requiring a discretionary permit or approval that could have adverse impacts to species covered under the SSHCP shall be approved by the County, and no County-initiated public project shall be undertaken, unless the project is consistent with the SSHCP and this Resolution.

SECTION II. EXEMPTIONS

This Resolution shall not apply to the following:

- A.** The adoption or amendment of the County’s General Plan.
- B.** The adoption or amendment of any land use or zoning ordinance.
- C.** Any project for which and to the extent that a vesting tentative map pursuant to the Subdivision Map Act, or a development agreement pursuant to Government Code sections 65864 et seq., approved or executed prior to adoption of this Resolution, confers vested rights under the County’s ordinances or state law to proceed with the project notwithstanding the enactment of this Resolution. Projects

subject to this exemption must comply with all provisions of any applicable state and federal law.

D. Any project for which the Board of Supervisors determines that application of this Resolution would result in the property owner being deprived of all reasonable economic use of the property in violation of federal or state constitutional prohibitions against the taking of property without just compensation.

SECTION III. PROCEDURES

A. The County will be responsible for ensuring that an activity that is covered by the SSHCP (“Covered Activity”) that occurs within its jurisdiction, including its own projects, is eligible to use the SSHCP by following the application processing procedures pursuant to Chapter 10 of the SSHCP.

B. Before extending Incidental Take coverage to a project, the County must receive confirmation in writing from the SSHCP Implementing Entity that the proposed species and habitat take is consistent with the SSHCP’s “jump-start” and “stay-ahead” requirements pursuant to Chapter 9 of the SSHCP.

C. The County is responsible for ensuring that the proposed project’s design and construction is in compliance with SSHCP requirements pursuant to Chapter 10 of the SSHCP, and for ensuring that monitoring of avoidance and minimization measures occur during construction pursuant to Chapter 8 of the SSHCP.

D. The County will collect all information required for the SSHCP annual report for each Covered Activity that it approves.

E. The County will pay SSHCP fees related to its own projects and collect SSHCP fees from third-party project proponents. If a third party project proponent

proposes to provide land or a conservation easement instead of paying a fee to satisfy mitigation requirements, the SSHCP Implementing Entity must review the proposed land dedication or the conservation easement for consistency with the conservation strategy outlined in Chapter 7 of the SSHCP.

F. The County will provide the SSHCP Implementing Entity with copies of each approved project application package, whether it is its own application package or a third-party project proponent's.

G. The County will adopt the SSHCP fee as set by the SSHCP Implementing Entity.

H. The County will ensure that Covered Activities that they undertake and Covered Activities conducted by third-party project proponents are consistent with the requirements of the Aquatic Resources Plan.

SECTION IV. DEFINITIONS

For purposes of this Resolution, the following terms shall have the meaning set forth herein:

A. "Plan Area" means the area in which all conservation actions will be implemented and generally where the Plan Permittees have Take Authorization for Covered Species and species habitat resulting from Covered Activities.

B. "SSHCP" means the South Sacramento Habitat Conservation Plan prepared by Plan Permittees as depicted on Figure XX attached to the SSHCP.

C. "SSHCP Plan Map" means the map of the area encompassed by the SSHCP as set forth in the attached Exhibit "1."

D. "Project" means any action or activity that is subject to the County's discretionary approval, or any action or activity undertaken directly by the County, for the purpose of developing or improving real property, including, but not limited to, the following: the sale, purchase, or lease of County-owned property; the approval of a tentative subdivision map; the issuance of a license, permit, certificate, variance, or other entitlement for the development or improvement of real property, including the clearing or grading of real property (except for weed or fire hazard abatement); and the construction or improvement of streets, water, sewer, or other public facilities or public works.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California this _____ day of _____ 2016, by the following vote, to wit:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

RECUSAL: Supervisors,

(PER POLITICAL REFORM ACT (§ 18702.5.))

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

EXHIBIT “1”

**SSHCP PLAN MAP WHICH IS EXHIBIT “A”
TO THE IMPLEMENTING AGREEMENT**

EXHIBIT "2"

MODEL CONSERVATION EASEMENT

