

ORDINANCE NO. 6-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AG-80 TO RD-1 FOR THE PVI/TREE OF LIFE PROJECT NO. EG-07-085 APN: 132-0030-078

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the City of Elk Grove Zoning Map from AG-80 to RD-1 for APN 132-0030-078, as shown on attached Exhibit A.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The proposed project is categorically exempt from CEQA review pursuant to CEQA Guidelines Section 15183 (projects consistent with a Community Plan or General Plan) and Section 15315, Class 15 (Minor Land Divisions).

Evidence: The rezone to RD-1 is consistent with the General Plan land use designation of Estate Residential and the East Franklin Specific Plan designation of Historical Housing. The rezone brings the zoning of the parcel into compliance with the General Plan and the EFSP. The Environmental Impact Report for the EFSP (SCH# 1997112030) was certified by Sacramento County in 2000, the Elk Grove City Council certified the EIR for the General Plan (SCH# 2002062082) in 2003.

In addition, there are no new or unusual circumstances related to the proposed rezone or parcel division that would require further environmental review. No special circumstances exist that create a reasonable possibility that the proposed project may have a significant adverse impact on the environment.

Zoning Amendment

Finding: The proposed zoning amendment is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The parcel has a General Plan land use designation of Estate residential. The current zoning of Agriculture-80 acre minimum lot size (AG-80) is not consistent with the Estate Residential designation. The rezone to Residential-One unit per acre (RD-1) will bring the zoning into consistency with the General Plan and implement the Land Use element of the General Plan.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 132-0030-078 as shown on attached Exhibit A subject to the findings contained in this Ordinance.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 6-2008
INTRODUCED: March 12, 2008
ADOPTED: March 26, 2008
EFFECTIVE: April 25, 2008



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

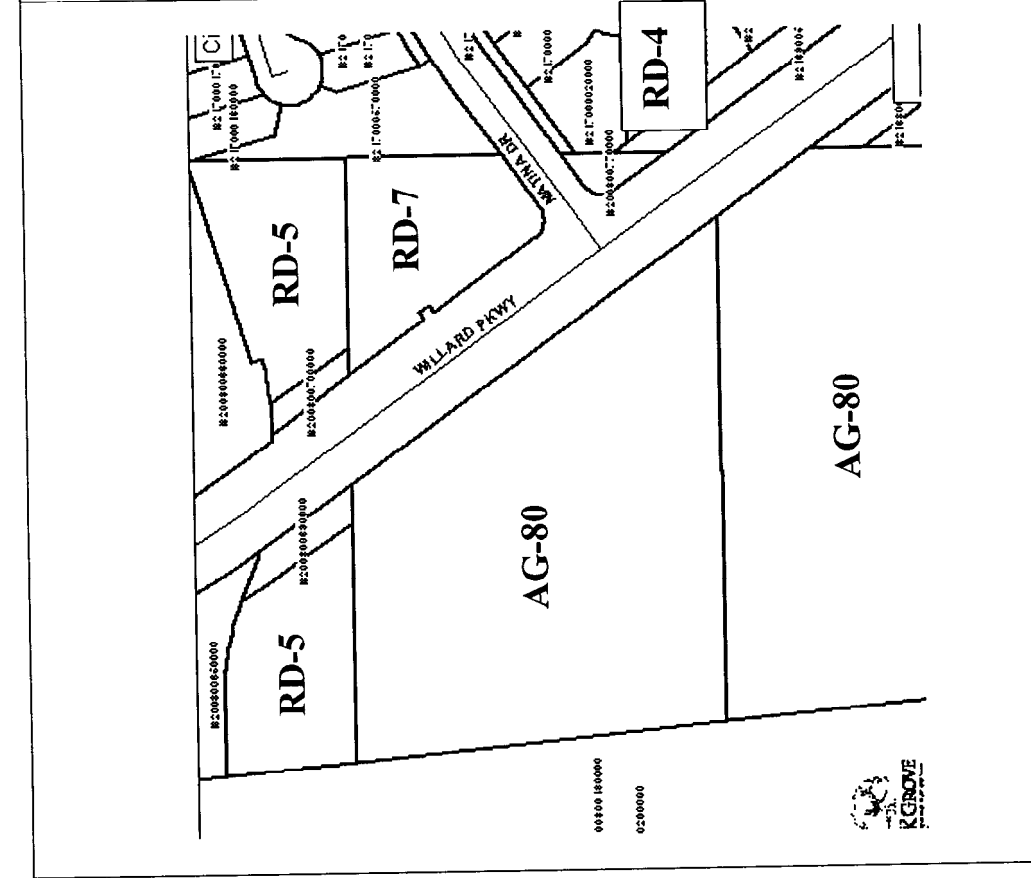
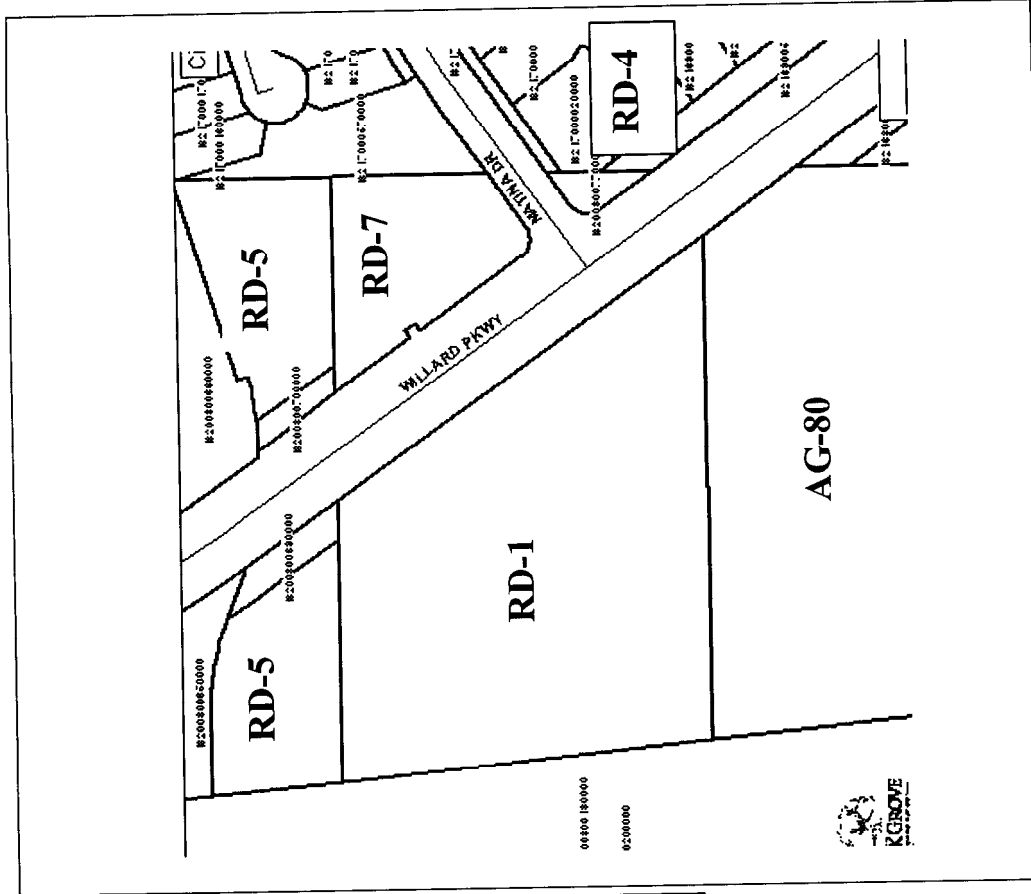

SUSAN J. BLACKSTON,
ASSISTANT CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

Date signed: March 28, 2008

Exhibit A: Rezone Exhibit



Proposed Zoning

Existing Zoning

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 6-2008**

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

I, Susan J. Blackston, Assistant City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on March 12, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 26, 2008 by the following vote:

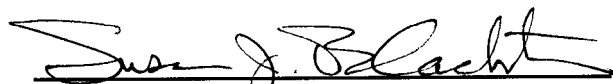
AYES : **COUNCILMEMBERS:** *Davis, Hume, Leary, Scherman, Cooper*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Susan J. Blackston, Assistant City Clerk
City of Elk Grove, California**