

RESOLUTION NO. 2005-84

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A TENTATIVE PARCEL MAP AND EXEMPTION FOR THE
THOMPSON REZONE PROJECT (EG-04-711) SUBJECT TO THE FINDINGS AND
ATTACHED CONDITIONS OF APPROVAL/MMRP**

WHEREAS, the Thompson Rezone project included Rezone, Tentative Parcel Map and Exemption, represented by Mike Thompson (hereinafter referred to as Property Owner and Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for Assessor's Parcel Number 127-0030-057; and

WHEREAS, and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the Planning Commission considered the applicant's request at a public hearing on February 24, 2005 and recommended City Council approval of the project.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE
HEREBY RESOLVES AS FOLLOWS:**

1. Approve the Thompson Rezone project (EG-04-711) including a Tentative Parcel Map and Exemption based on the following findings and the attached design exhibits and Conditions of Approval included as Exhibits A and B respectively.

Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared specifically for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

General Plan

Finding: The proposed project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The project has been designed to be consistent with the goals and policies of the Elk Grove General Plan, as well as the Rural Residential land use designation established for the subject property. In addition, the project has been conditioned to ensure development occurs in compliance with all applicable requirements. The Thompson Rezone is consistent with the Elk Grove General Plan.

Rezone

Finding: The proposed rezone is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The Planning Commission has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and Zoning Code. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Tentative Parcel Map

2. **Finding:** Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:
- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
 - b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - c. That the site is not physically suitable for the type of development.
 - d. That the site is not physically suitable for the proposed density of development.
 - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 - g. That the design of the subdivision or type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: The above Findings #a. through #g. do not apply to the proposed Tentative Subdivision Map.

- a. The proposed map is consistent with the rural residential density as specified in the Elk Grove General Plan.


- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and Citywide Design Guidelines.
- c. The site is physically suitable for residential development. Sufficient buildable area is provided outside of the floodplain/drainage easement.
- d. The site is appropriate for the specified density of development. The applicant is proposing 2 parcel, a 2.985 acre (gross) parcel and a 2.017 acre (gross) parcel, which conforms to the allowable densities upon rezoning of the property.
- e. The Mitigated Negative Declaration prepared for the Thompson Rezone project determined that potential environmental impacts from the design of the subdivision will be mitigated to less than significant levels with implementation of the proposed Mitigation Measures and Conditions of Approval.
- f. The design of the parcel map or type of improvements will meet all applicable standards or regulations and will not cause serious public health problems.
- g. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

Exception from Public Water Requirement

Finding: The granting of the exception will not be detrimental to the health, safety, comfort or general welfare of persons residing or working in the subdivision and that the requirements to provide domestic water supply would create a hardship.


Evidence: There is no evidence in the record or evidence provided to indicate that the health of surrounding neighbors will be compromised. The Sacramento County Water Agency does not have water facilities near the project site. A public water source is not available to the site or anticipated in the near future. Granting this particular type of exception is consistent with other similar projects approved in the Sheldon area. The majority of the Rural Residential area in the eastern portion of the City is provided by private wells.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 23rd 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

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>1. The development approved by this action is for a Rezone, Tentative Subdivision Map, and an Exception for two parcels as described in the Planning Commission Report and illustrated in the project plans below.</p> <p>Rezone Exhibit: (Received 12/8/04)</p> <p>Tentative Parcel Map: (Received 12/8/04)</p> <p>Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
<p>2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	On-Going	Planning	
<p>3. The Tentative Parcel Map Approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.</p>	Three years commencing with the date of Planning Commission approval	Planning	
<p>4. The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action</p>	On-Going	Planning	
<p>5. If there are any discrepancies between the approved tentative map and the conditions of approval, the conditions of approval shall supersede the approved</p>	On-Going	Public Works	

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	tentative map.			
6.	The applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
7.	All traffic calming devices and locations shall be approved by Public Works prior to installation.	On-Going	Public Works	
8.	If an access control gate is added at any time in the future the City of Elk Grove Public Works Department shall approve the geometrics of the entry design.	On-Going	Public Works	
9.	All driveways shall require an encroachment permit. At that time the curb, gutter, sidewalk and all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.	On-Going	Public Works	
Prior to Grading and Improvement Plan Approval.				
10.	The Applicant shall comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with the project area. Until the MMRP has been recorded and the estimated MMRP fee of \$1,000 has been paid, no final map for the subject property shall be approved and no grading, building, sewer connection, water connection, or occupancy permit from the City or County will be approved.	Prior to Approval of Improvement Plan or Grading Permit	Planning	
11.	<p>Mitigation Measure 1 (Biological Resources)</p> <p>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project Applicant shall:</p> <ul style="list-style-type: none"> • Preserve 1.0 acre of similar habitat for each 	Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements,	Planning	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>acre lost. This land shall be protected through a fee title or conservation easement acceptable to the CDFG and the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect, OR</p> <ul style="list-style-type: none"> • Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect. This option shall be suspended until the mitigation fee is updated as directed by the Elk Grove City Council on 12/1/04. 	<p>whichever occurs first</p>		
<p>12. Mitigation Measure 2 (Biological Resources) The Applicant shall conduct a pre-construction survey on the site. Within thirty days of the commencement of any clearing, grading or construction a field survey shall be conducted by a qualified biologist to determine if active nests of burrowing owls exist on the site. These surveys shall include all areas in or within 250 feet of the construction zone. In the event that nesting owls are found, a 250-foot no-construction zone shall be established around the nest until the young have fledged, as determined by a qualified biologist. The Applicant shall consult with CDFG to determine the measures necessary to mitigate or avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG prior to disturbance of the site.</p>	<p>Prior to any clearing, grading, or construction</p>	<p>Planning</p>	

<p align="center"><u>Conditions of Approval / Mitigation Measure</u></p>	<p align="center"><u>Timing/ Implementation</u></p>	<p align="center"><u>Enforcement/ Monitoring</u></p>	<p align="center"><u>Verification (date and Signature)</u></p>
<p>Mitigation measures may include flagging the burrow to avoid disturbance, passive relocation, active relocation to move owls from the site, or other measures required by the biologist or CDFG.</p> <p><i>Monitoring Actions:</i></p> <ul style="list-style-type: none"> The applicant shall submit to Development Services – Planning for approval, a copy of the survey results including evidence of consultation with CDFG and their recommendations, if applicable. 			
<p>13. Mitigation Measure 3 (Biological Resources)</p> <p>The Applicant shall establish a stream buffer zone that measures at least 100 feet on either side of the centerline of Laguna Creek Tributary 1, for a total width of 200 feet. The following note shall be placed on the final map and on grading/building plans: “A temporary protective fence is to be installed along the length of a stream buffer zone measure at least 100 feet from the centerline of Laguna Creek Tributary 1 for a total width of 200 feet from this buffer. This protective fencing will remain until all construction activities cease.” The protective fence shall be a solid enclosure such as a temporary chain link fence or similar. Plastic fencing is not considered a solid enclosure.</p> <p><i>Monitoring Actions:</i></p> <ul style="list-style-type: none"> Prior to the recordation of the final map. Planning shall verify that the note is found on the map. Prior to the issuance of any permits for grading 	<p>Prior to the recordation of the final map</p> <p>Prior to the issuance of any permits for grading or building</p> <p>Prior to Construction Activities</p>	<p align="center">Planning</p>	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>or building, Planning shall verify that the note is found on the plans.</p> <ul style="list-style-type: none"> • Prior to construction activities, the Applicant shall schedule a site inspection with Development Services - Planning to verify that the temporary protective fencing is in place along the 200' buffer zone. 			
14.	The Applicant shall provide calculation and layout showing drainage areas and the pipe capacity in conformance with the 1996 Hydrology Standards Volume II and City of Elk Grove Improvement Standards. Show the manner in which overland flows are to be conveyed for a point of discharge.	Prior to Approval of Improvement Plans	Public Works	
15.	All finished floor elevations must be a minimum of one (1) foot above the 100-yr water surface elevation in the area, calculated with a method acceptable to the City of Elk Grove, Public Works, Drainage. Provide hydraulic calculations as to the manner the 100-year water surface elevation was calculated.	Prior to Approval of Improvement Plans/Grading/ Building Permit	Public Works	
16.	The Applicant shall file a notice of Intent and prepare a SWPPP. SWPPP improvements shall be in place prior to moving equipment, material and personnel on-site for grading activities.	Prior to Approval of the Grading Permit	Public Works	
17.	The project shall comply with the City of Elk Grove's Land Grading and Erosion Control Ordinances.	Prior to Approval of Grading Plan / Improvement Plans	Public Works	
18.	Drainage improvement plans shall be constructed as approved by the City of Elk Grove. Drainage easements, pursuant to the Sacramento County Floodplain Management Ordinance, shall be	Prior to Approval of Improvement Plans	Public Works	

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dedicated and provided on the Final Parcel Map, or dedicated by grant deed prior to the issuance of building permits. Drainage facilities shall be installed prior to the issuance of building permits pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.			
Prior to Recordation of Final Map			
19. The Applicant shall dedicate the private drive, ingress and egress easement and 10 feet adjacent thereto as a public utility easement for overhead and underground facilities and appurtenances.	Prior to Recordation of Final Map	SMUD	
20. The Applicant shall show on the map proposed building locations, with primary septic field, a secondary replacement field and the location of a water well.	Prior to Recordation of Final Map	Public Works	
21. The Applicant shall provide results of a test drilling for a water well verifying water is available for the new parcel.	Prior to Recordation of Final Map	Public Works	
22. A percolation and mantle test will be performed on each proposed new parcel.	Prior to Recordation of Final Map	Public Works	
23. Improvement plan shall be approved by Public Works prior to City Council approval of Final Map.	Prior to Recordation of Final Map	Public Works	
24. A statement shall be placed on the Final Parcel Map that states Sheldon Road frontage improvements shall be required to be constructed in accordance with City Standards and to the satisfaction of Public Works prior to issuance of any permits for development of	Prior to Recordation of Final Map	Public Works	

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	either Parcel A or Parcel B.			
25.	No new driveways will be taken from Sheldon Road. Dedicate Access rights (direct vehicular ingress and egress to Sheldon Road) to the City of Elk Grove, except for on 20' driveway as shown on the tentative parcel map.	Prior to Recordation of Final Map	Public Works	
26.	All improvements shall be dedicated and designed in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.	Prior to Recordation of Final Map	Public Works	
27.	The Applicant shall dedicate a 12.5 foot public utility easement for underground and or overhead facilities and appurtenances adjacent to all public and private streets.	Prior to Recordation of Final Map	Public Works	
28.	The Applicant shall provide a 12' pedestrian/hiking/biking easement for the multi-use trail identified in the City's General Plan Park, Trails, and Open Space Element. This path/trail is to be located adjacent to the Laguna Creek Tributary 1, within the recorded 100' drainage easement.	Prior to Recordation of Final Map	Planning	
29.	All private drives shall be dedicated as an easement to allow access for services such as utility and emergency vehicles.	Prior to Recordation of Final Map	Public Works	
Prior to Issuance of Building Permit				
30.	The Applicant shall construct half-street frontage improvements on Sheldon Road. Sheldon Road ROW shall be based upon 84-foot equivalent thoroughfare in accordance with the City of Elk Grove Improvement Standards, and shall include construction of the additional 19-foot landscape and pathway corridor	Prior to Issuance of Building Permit	Public Works	

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<p>improvements. Improvements shall be designed and constructed to the satisfaction of Public Works. At time of issuance of building permit for either lot, at the discretion of Public Works, a cash payment in-lieu of improvements in the amount of \$192,350.00 may be accepted. Statement of this condition will be required on the Final Map.</p> <p>Should any City Code revisions adopted prior to the improvement of Sheldon Road change the intent and obligation for frontage improvements for parcels along this section of Sheldon Road, such change shall be retroactively applied to this project and this condition amended to reflect the change(s). The cash payment in-lieu of improvements is not to exceed \$192,350.00.</p>			
<p>31. The Final Map is to be completed approved and recorded prior to the Issuance of 1st Building Permit.</p>	<p>Prior to Issuance of 1st Building Permit</p>	<p>Public Works</p>	
<p>32. At all street intersections, public or private, within one block of the proposed project, applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details.</p>	<p>Prior to Issuance of Building Permit</p>	<p>Public Works</p>	
<p>33. Individual septic systems for the project shall be subject to approval by the County Environmental Management Department.</p>	<p>Prior to Issuance of Building Permit</p>	<p>Sacramento County EMD</p>	
<p>34. A percolation test to determine suitability and design for individual septic systems shall be completed and application made to Environmental Health for a permit.</p>	<p>Prior to Issuance of Building Permit</p>	<p>Sacramento County EMD</p>	
<p>35. All improvements shall be installed in accordance with the City of Elk Grove Improvement Standards and to</p>	<p>Prior to 1st Building Permit</p>	<p>Public Works</p>	

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	the satisfaction of Public Works.			
Prior to Final Inspection				
36.	Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Final Inspection for Occupancy of Residential Units	Public Works	
37.	The Applicant shall submit Flood Elevation Certification for each habitable structure.	Prior to Final Inspection for Occupancy of Residential Units	Public Works	

General Compliance Items for Building Permit

1. Secure approval of a civil engineered site improvement plan for all proposed on-site and off-site improvements.
2. Permits and/or fees are required for the following reviews: civil plans, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.
3. Dead-end streets in excess of 150 feet require emergency vehicle turn-a-rounds.
4. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
5. All civil engineering plans are required to be submitted in an electronic format. When plan is ready for final signature, it is required that the engineering firm will submit an electronic copy of the complete plan as it appears in the approved printed plans with addresses. All electronic formats will be submitted on Windows/DOS formatted diskettes, zip disks or on compact disk (CD). E-mailed copies will not be accepted at this time. Electronic formats can be submitted in either of the following data transfer formats listed below:

DFX (Drawing Interchange file) release 2002 or previous
DWG (Applies to AUOCAD drawing file) release 2002 or previous
6. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans.
7. All required roadways, street signs, addresses, water mains, fire hydrants, and fire flows shall be provided prior to the existence of any combustible construction or storage. The slope of access roadways shall not exceed 10% for asphalt and 15 % for concrete. The roadways shall be constructed to a 20-foot minimum width with a minimum of three (3) inches AC over six (6) inches AB with good drainage.
8. Required fire alarm systems (other than single family dwellings) shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center.
9. Permits and/or fees are required for the following plan reviews: site plan, architectural plan, fire sprinkler plan, fire alarm plan, and special extinguishing plans.
10. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Elk Grove Fire Department and the water purveyor having jurisdiction.
11. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls, tree wells, and/or traffic calming devices are subject to standards outlined by the Elk Grove Fire Department.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-84**

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:

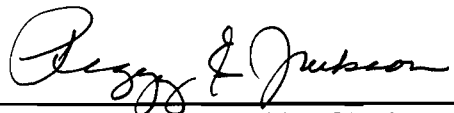
AYES: 4 COUNCILMEMBERS: Briggs, Leary, Scherman, Soares

NOES: 0 COUNCILMEMBERS:

ABSTAIN: 0 COUNCILMEMBERS:

ABSENT: 1 COUNCILMEMBERS: Cooper





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