

**RESOLUTION NO. 2006-106**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING A TENTATIVE PARCEL MAP AND EXCEPTION  
BADER ROAD PARCEL MAP  
PROJECT NO. #EG-05-812 – APN: 122-0210-009-0000**

**WHEREAS**, Mike Williams (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Tentative Parcel Map and Exception; 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 proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as 122-0210-009-0000; and

**WHEREAS**, the proposed project is consistent with the General Plan Land Use Policy Map and Zoning Code requirements; and

**WHEREAS**, the City determined that the Bader Road Parcel Map Project was subject to the California Environmental Quality Act and prepared an initial study evaluating the potential environmental effects of the project; and

**WHEREAS**, the Initial Study identified potentially significant adverse effects in the areas of biological and agricultural resources; and

**WHEREAS**, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation; and

**WHEREAS**, the City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program would reduce the impacts to a less than significant level and that a Mitigated Negative Declaration should be prepared; and

**WHEREAS**, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on February 3, 2006 and was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on February 3, 2006 and closed March 5, 2006. The Mitigated Negative Declaration was made available to the public during this review period; and

**WHEREAS**, the City received no written comment letters within the 30 day public review period; and

**WHEREAS**, conditions of approval have been imposed on the project; and

**WHEREAS**, the City of Elk Grove, Development Services Planning Department, located 8401 Laguna Palms Way, Elk Grove, California 95758 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based; and

**WHEREAS**, the Planning Commission considered the Applicant's request at a public hearing on March 30, 2006 and recommended City Council approval of the project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby approves the project, subject to the conditions of approval and Mitigation Monitoring and Reporting Program as illustrated in Exhibit A and Tentative Parcel Map as illustrated in Exhibit B, based on the following findings:

### **CEQA**

Finding: On the basis of the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

Evidence: An Initial Study evaluating the potential environmental effects of the project was prepared for the proposed project. Potentially significant adverse effects related to agricultural and biological resources were identified in the Initial Study. Mitigation Measures have been imposed on the project and the Applicant has agreed to implement proposed mitigation measures that reduce the impacts to a less than significant level. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on February 3, 2006. It was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on February 3, 2006 and closed on March 5, 2006. The Mitigated Negative Declaration was made available to the public during this review period. The City received no written comment letters within the 30 day public review period.

### **General Plan**

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

Evidence: The subject project creates four (4) new residential parcels from of one undeveloped lot in a residential area of the city. The Elk Grove General Plan

designates the site Rural Residential Use. The site is suitable for residential development and is consistent with surrounding parcels which consist of rural residential/agricultural uses.

## **Rezone**

Finding: The proposed rezone is in the public interest (Section 65358(a) of the Government Code.

Evidence: The Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. The proposed rezoning meets all applicable standards of the Elk Grove Zoning Code. The proposed project implements the General Plan's objectives for orderly and systematic development and responds to opportunities and constraints in the local community area.

## **Tentative Parcel Map**

Finding: The Findings provided in Section 66474 of the California Subdivision Map Act that require a City to deny a tentative map do not apply to this Tentative Parcel Map.

Evidence: Findings (a) through (g) in Section 66474 of the Subdivision Map Act do not apply to the project.

- a. The proposed map is consistent with the Elk Grove General Plan and rezone.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the municipal code.
- c. The site is physically suitable for extension of rural residential development.
- d. The site is appropriate for the specified density of development.
- e. The proposed Tentative Parcel Map is consistent with the General Plan and zoning and therefore would not cause substantial environmental damage. An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels.
- f. The design of the subdivision 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 (Public Water)**

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.

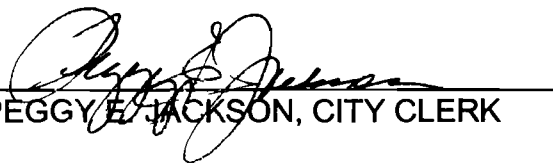
Evidence: There is no evidence in the record or evidence provided to indicate that the health of surrounding neighbors will be compromised. Public water is not available to the site and is not anticipated in the near future. Granting this particular type of

exception is consistent with other similar projects approved in rural portions of the city. The majority of the Rural Residential area in the eastern portion of the City is provided by private wells.

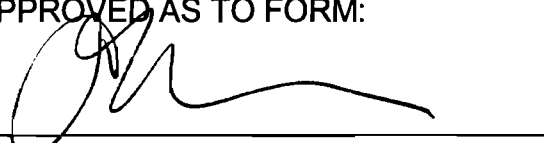
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 26<sup>th</sup> day of April 2006.

  
\_\_\_\_\_  
RICK SOARES, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

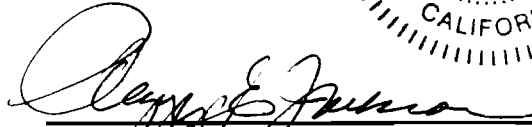
**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-106**

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 April 26, 2006 by the following vote:**

**AYES :        COUNCILMEMBERS:        Scherman, Soares, Briggs, Cooper, Leary**  
**NOES :        COUNCILMEMBERS:**  
**ABSTAIN :    COUNCILMEMBERS:**  
**ABSENT:      COUNCILMEMBERS:**



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

**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program<sup>1</sup>**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<b>A. On-Going</b>			
<p>1. The development approved by this action consists of a Rezone from AR-5 to AR-2, a Tentative Parcel Map for four (4) single-family residential lots, and an Exception from the requirement for public water, as described in the April 26, 2006 City Council report and associated Exhibits and Attachments for project file EG-05-812 (Bader Road Parcel Map), and illustrated in the project plans below:</p> <ul style="list-style-type: none"> <li>• Rezone Exhibit (printed 02/02/05)</li> <li>• Tentative Parcel Map (received 11/01/05)</li> </ul>	On-Going	Planning	
<p>Any deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>			
<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>	<p>Three years, commencing with the date of City Council approval.</p>	Planning	
<p>4. The Applicant or future heirs and assigns (hereinafter referred to as 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</p>	On-Going	Planning	

**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>5. defense for the City in any such action.</p> <p>If any previously unrecorded historic or prehistoric sites are encountered, all work shall be halted in the immediate vicinity of any finds until a professional archeologist records and evaluates the finds, and until appropriate mitigation, if any, is completed to the satisfaction of the City.</p>	On-Going	Planning	
<p>6. If human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the discovery until the county coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code Section 5097.98.</p>	On-Going	Planning	
<p>7. If there are any discrepancies between the approved tentative map and the conditions of approval, the conditions of approval shall supersede the approved tentative map.</p>	On-Going	Public Works	
<p>8. Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.</p>	On-Going	Public Works, and Planning	
<p>9. The project Applicant shall implement Best Management Practices (BMPs) to ensure that long-term water quality is protected. The BMPs shall be designed, constructed and maintained to meet a performance standard established by the City. The City or project Applicant shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. Monitoring activities, along with funding for monitoring, shall be established and shall include (but not be limited to) initial setup, yearly maintenance, and yearly monitoring.</p>	On-Going	Public Works/ Planning	
<p>During project operation, the project shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. The two main categories of these BMPs are "source control" and "treatment control." Source control</p>			

**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

<b>Conditions of Approval / Mitigation Measure</b>	<b>Timing/ Implementation</b>	<b>Enforcement/ Monitoring</b>	<b>Verification (date and Signature)</b>
<p>BMPs are usually the most effective and economical in preventing pollutants from entering storm and non-storm runoff. Source control BMPs that are relevant to the project and shall be implemented might include but not necessary limited to:</p> <ul style="list-style-type: none"> <li>a) Public Education/Participation activities. Information shall be provided to new project residents and tenants regarding pollution prevention;</li> <li>b) Materials Management activities. The project shall implement the following measures within any common landscaping or other facilities on-site.</li> <li>c) Materials Use Controls, which include good housekeeping practices (storage, use and cleanup) when handling potentially harmful materials, such as cleaning materials, fertilizers, paint, and where possible using, safer alternative products;</li> <li>d) Material Exposure Controls, which prevent and reduce pollutant discharge to storm water by minimizing the storage of hazardous materials (such as pesticides) on site, storing materials in a designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors; and</li> <li>e) Material Disposal and Recycling, which includes storm drain system signs and stenciling with language to discourage illegal dumping of unwanted materials. The project shall notify project residents of household hazardous waste and used oil recycling at collection centers and round-up activities conducted by the City.</li> <li>f) Spill Prevention and Cleanup activities which are directed toward reducing the risk of spills during the outdoor handling and transport of chemicals, and toward</li> </ul>			



**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>developing plans and programs to contain and rapidly clean up spills before they get into a storm drain system. This BMP also deals with the prevention and reduction of pollution from vehicle leaks and spills from vehicles during transport, as well as aboveground storage tanks;</p> <p>g) Illegal Dumping controls. The Covenants, Conditions, and Restrictions (C, C, &amp; R's) for the project shall include a prohibition on the dumping of waste products (solid waste/liquid waste and yard trash) into storm drain systems, open space areas, and creeks;</p> <p>h) Stormwater pollution source controls shall be conditioned to provide a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each storm drain inlet. This may be accomplished with a stamped concrete impression (for curbs) or manufactured colored tiles, which are epoxied in, place adjacent to the inlet (for parking lots and areas without curbs).</p> <ul style="list-style-type: none"> <li>• Street and storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped material from storm channels and creeks. (The City of Elk Grove would be responsible for regular storm drain maintenance within the public right of way; grease traps and other stormwater quality control devices on private property shall be maintained by the project.)</li> </ul>			
<p><b>B. Prior to Final Map</b></p>			
<p>10. Submit a property description and a copy of the approved tentative parcel map along with the appropriate application</p>	<p>Prior to Final Map</p>	<p>Public Works</p>	

**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
to the City of Elk Grove for the inclusion of this development to the City of Elk Grove Stormwater Utility. Public Hearing and appeal period shall be held prior to recordation of the Final Map.			
11. Dedicate Bader Road, west half section of 30' from the approved centerline. Improvement will be based on 60' collector in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Extra width of the road will be required for the drainage ditch after the appropriate drainage study is completed and the final drainage ditch width is determined.	Final Map	Public Works	
12. The Applicant shall acquire and dedicate the internal street as a 50' Class C street for the remaining portion in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Extra width of the road will be required for the drainage ditch after the appropriate drainage study is completed and the final drainage ditch width is determined. Right-of-way acquisition process/procedures shall be to the satisfaction of Public Works. If the additional right-of-way for the internal street cannot be acquired from parcel 122-0210-010, the Applicant shall dedicate a 42' Class C street along the property boundary of 122-0210-010 (Arellano property) and a 50' Class C street for the remaining portion.	Final map	Public Works	
13. Dedicate to the City of Elk Grove, as shown on the tentative map, a 25 feet I.O.D. along the southern boundary of parcel 4. Extra I.O.D. may be required for the drainage ditch after the appropriate drainage study is completed and the final drainage ditch width is determined.	Final map	Public Works	
14. Dedicate a 12.5 foot public utility easement for underground facilities and appurtenances adjacent to all public streets.	Final Map	Public Works	

**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
15. Applicant shall perform test drilling for a water well in accordance with Sacramento Environmental Management Department.	Final Map	Public Works	
16. Applicant shall perform a percolation and mantle test in accordance with Sacramento Environmental Management Department.	Final Map	Public Works	
17. Improvement plan must be approved by Public Works prior to City Council approval of Final Map.	Final Map	Public Works	
18. Place a statement on the Final Parcel Map that states that Bader Road frontage improvements shall be required to be constructed in accordance with City Standards, City Ordinance, and to the satisfaction of Public Works prior to issuance of any permits for development of any parcel.	Final Map	Public Works	
19. Provide drainage easements (prior to recordation of final map) and install facilities (prior to the issuance of building permits) pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and City of Elk Grove Improvement Standards, including any fee required by the City of Elk Grove. The pertinent provisions of the above-referenced codes, standards, fees, and ordinances shall be applicable at the time of site improvement plan approval.	Prior to Recordation of Final Map and Prior to the Issuance of Building Permits	Public Works	
20. Dedicated a 12.5 foot public utility easement for overhead and underground facilities and appurtenances adjacent to all public street rights of ways	Final Map	SMUD	
21. Dedicate any private drive, ingress and egress easement, the ditch and 10 feet adjacent thereto as a public utility easement for overhead and underground facilities and appurtenances.	Final Map	SMUD	
<b>C. Prior to Improvement Plans/Grading/Site Disturbance</b>			
22. Prior to issuance of grading permit, comply with, record, and	Prior to Issuance of	Planning	

Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>23. pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with Bader Road Parcel Map (8.64 acres). Until the MMRP has been recorded and the estimated MMRP fee of \$1,500 has been paid, no final parcel 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.</p> <p><b>Mitigation Measure 2 (Biological Resources-Swainson's Hawk)</b></p> <p>In order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level, the applicant shall implement one of the City of Elk Grove's approved mitigation alternatives as set forth below.</p> <p>Monitoring Action</p> <p><b>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</b>, the project applicant shall provide written verification to Development Services-Planning that <b>one</b> of following mitigation measures has been implemented:</p> <ul style="list-style-type: none"> <li>• Preserve 1.0 acre of similar habitat for each acre lost within a ten-mile radius of the project site. 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. The applicant shall be responsible for funding the operation and maintenance and/or</li> </ul>	<p>Grading Permit</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</p>	<p>Planning Division in consultation with Department of Fish and Game</p>	

**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

<b>Conditions of Approval / Mitigation Measure</b>	<b>Timing/ Implementation</b>	<b>Enforcement/ Monitoring</b>	<b>Verification (date and Signature)</b>
<p>monitoring of the protected land; OR,</p> <ul style="list-style-type: none"> <li>• Purchase mitigation credits at a 1:1 ratio (1 credit=1 acre of mitigation) at a DFG approved mitigation bank, acceptable to the City. Prior to issuance of grading permits, the applicant shall provide Development Services - Planning proof of purchase of the credits; OR</li> <li>• 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.</li> </ul> <p>Enforcement/Monitoring: City of Elk Grove Development Services-Planning and CDFG</p> <p>24. <b>Mitigation Measure 3 (Biological Resources- Burrowing Owl)</b></p> <p>In order to reduce impacts to burrowing owls to a less than significant level, the Applicant shall conduct a pre-construction survey on the site as follows. 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. The survey shall include all areas in or within 250 feet of the construction zone. In the event that nesting owls are found, a temporary 150-foot no-construction zone shall be established around the nest. Staff and the Applicant will subsequently consult with the California Department of Fish and Game (CDFG), and follow the recommendations of the Department in order to determine the measures necessary to mitigate or</p>	<p>Prior to the commencement of any clearing, grading or construction</p>	<p>Planning</p>	

**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG prior to disturbance of the site. 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>Monitoring Actions</p>			
<ul style="list-style-type: none"> <li>• <b>Prior to the commencement of any clearing, grading or construction</b>, 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.</li> </ul>			
<p>Enforcement/Monitoring: City of Elk Grove Development Services - Planning in consultation with California Department of Fish and Game (CDFG)</p>			
<p>25. All improvements shall be designed in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.</p>	Improvement Plans	Public Works	
<p>26. Design turn-around as shown in the tentative map in accordance with Fire Department Standard and to the satisfaction of Public Work.</p>	Improvement Plans	Public Works	
<p>27. Applicant shall prepare and submit a comprehensive drainage study that addresses handling all flows generated by the project including but not limited to, defining the watershed boundary, defining the local controlling 100-year water level, method of flow conveyance with adequate supporting calculations, and detailed hydrologic and hydraulic analysis.</p>	Improvement Plans	Public Works	
<p>28. The project Applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all</p>	Prior to Improvement Plan Approval	Public Works	

**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

<b>Conditions of Approval / Mitigation Measure</b>	<b>Timing/ Implementation</b>	<b>Enforcement/ Monitoring</b>	<b>Verification (date and Signature)</b>
<p>phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall address spill prevention and include counter measure plan describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City's Improvement Standards and Land Grading and Erosion Control Ordinance and may include but not necessary limited to: (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into any receiving water body; and (6) any other suitable measures. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board and to the City for review. A copy of the SWPPP must be kept accessible on the project site at all times.</p>			
<p>29. Obtain applicable State Fish and Game, U.S. Army Corps of Engineers, and State Water Board permits if needed prior to issuance of grading permits.</p>	<p>Prior to the Issuance of any permits for grading, building or any other site improvements.</p>	<p>Public Works</p>	
<p>30. All development within the City must comply with the regulations of the Federal Emergency Management Agency (FEMA) and the City of Elk Grove and Sacramento County Flood Plain Management Ordinances. Amendments and/or</p>	<p>Prior to the Issuance of any permits for grading, building or any other site</p>	<p>Public Works</p>	

**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

<b>Conditions of Approval / Mitigation Measure</b>	<b>Timing/ Implementation</b>	<b>Enforcement/ Monitoring</b>	<b>Verification (date and Signature)</b>
<p>revisions of FEMA flood maps will be required for all development located in the federal or local flood zone. All amendments and/or revisions must be final and submitted to the City prior to issuance of the first building permit. The elevation of all building pads must be certified by a registered Civil Engineer or licensed Land Surveyor and submitted to the City prior to issuance of a building permit and the lowest finished floor elevation must be a minimum of 1 (one) – foot above the 100-year frequency water level.</p>	improvements.		
<p><b>D. Prior to Building Permits or Encroachment Permits</b></p> <p>31. <b>Mitigation Measure 1 (Agricultural Resources)</b></p> <p>In order to mitigate impacts from potential conflicts between residential and agricultural land uses to a less than significant level, the Applicant shall disclose to all buyers of property within the subdivision that surrounding agricultural properties and uses may continue in perpetuity, subject to the provisions of the City's Right to Farm Ordinance dated July 10, 1990. The Applicant, or successors, shall include such disclosure in any Covenants, Conditions and Restrictions recorded for the project and shall require each homebuyer to sign such a disclosure. A note to this effect shall be placed on the final subdivision map prior to recordation.</p> <p>Monitoring Actions</p> <ul style="list-style-type: none"> <li>• <b>Prior to issuance of building permits</b>, the Applicant shall provide proof to Development Services-Planning that a Notice to Purchaser has been recorded against each property containing the right to farm disclosure.</li> </ul> <p>Enforcement/Monitoring: City of Elk Grove Development</p>	Prior to Building Permits	Planning	



**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
Services - Planning			
32. Show proposed building locations, with primary septic field, a secondary replacement field and the location of a water well.	Prior to Issuance of 1 <sup>st</sup> Building Permits	Public Works	
33. In order to mitigate erosion and sediment control problems on the project site, the project shall comply with the City's Land Grading and Erosion Control Ordinance. If the project size is more than one acre, a Notice of Intent (NOI) must be filed prior to construction to obtain coverage under the State's General Construction Activity Storm Water Permit.	Prior to Issuance of 1 <sup>st</sup> building Permits	Public Works	
34. Construct septic system and water well for each parcel.	Prior to 1 <sup>st</sup> Building Permit	Public Works	
35. The Applicant shall improve Bader Road based on Class C street in accordance with the City of Elk Grove Ordinance.	Prior to 1 <sup>st</sup> Building Permit	Public Works	
36. Improve the internal street as a 50' Class C street for the remaining portion in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. The cross-section shall include two 10-foot travel lane, two 3-foot paved shoulder (same structural section), all at 2% cross slope and a 3-foot AB/gravel shoulder each side (maximum 5% cross slope). An additional 3-foot of graded native material shall separate the shoulder from the roadside drainage ditch. Extra width of the road will be required for the drainage ditch after the appropriate drainage study is completed and the final drainage ditch width is determined. If the right-of-way for the internal street adjacent to APN#122-0210-010 cannot be acquired, the applicant shall construct the south half section of 10' travel lane, 2' paved shoulder, 3' gravel shoulder and appropriately sized ditch and pay an in-lieu of installing of the remaining improvement as identified above. If the ditch requires more than 4', the applicant must acquire this property	Prior to 1 <sup>st</sup> Building Permit	Public Works	

**Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>or redesign the drainage system such that a 4' ditch is adequate on the south side.</p> <p>37. Construct turn-around at the southern property line of parcel 3 in accordance with Fire Department Standard and to the satisfaction of Public Work.</p>	Prior to 1 <sup>st</sup> Building Permit	Public Works	
38. Final Map shall be completed, approved and recorded prior to 1 <sup>st</sup> building permit.	Prior to issuance of 1 <sup>st</sup> Building Permit	Public Works	
39. 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.	Building Permit	Public Works	
40. All improvements shall be constructed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to 1 <sup>st</sup> Building Permit	Public Works	
41. All driveways shall require an encroachment permit. At that time all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.	Encroachment Permit	Public Works	
<b>E. Prior to Final or Occupancy</b>			
42. Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Occupancy	Public Works	
43. This subdivision is in an area that is not provided with public water. As such, all homes shall be provided with a residential fire sprinkler system.	Prior to Final/Occupancy	Elk Grove Fire	
44. A minimum of a 16-foot wide road shall be provided to within 150 feet of all portions of any home from the public road.	Prior to Final/Occupancy	Elk Grove Fire	

**General Information and Compliance Items:**

The following items are noted for the Applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

Finance

- a. The project applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance. For further information on development related fees, see the 2006 Development Related Fee Booklet at: [www.elkgrovecity.org/services/fee-information/fee-information.htm](http://www.elkgrovecity.org/services/fee-information/fee-information.htm) (Finance)

County Sanitation District -1 (CSD-1)

- b. Applicants are also advised to review the Planned Fee Updates portion of the web page, and are encouraged to sign up for email updates on both the 2006 Development Related Fee Booklet and the Planned Fee Updates links on the web page (see the upper right corner of these web pages). By signing up for email updates, you will receive an email notifying you every time these web pages change, which will assist you in planning costs associated with your project. (Finance)
- c. Trunk sewer design and construction may be reimbursed by CSD-1. Prior to initiating design of any trunk sewer facility, the Applicant shall contact CSD-1 regarding their Trunk Sewer Reimbursement Program. Failure to strictly comply with the provisions of the CSD-1 Connection Fee Ordinance may jeopardize trunk sewer reimbursement. In the event of any potential conflicts, the consulting engineer submitting the tentative map shall contact Rah-Nohn Spears at 876-6074 prior to the SRC hearing. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information. (CSD-1)

Elk Grove Community Services District Fire Department (EGCSDFD)

- d. 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. (EGCSDFD)
- e. A permit release letter from the Elk Grove Community Services District Fire Department (EGCSDFD) shall be required prior to the Elk Grove Building Department issuing any construction permits. (EGCSDFD)
- f. Dead-end streets in excess of 150 feet require approved emergency vehicle turn-arounds. (EGCSDFD)
- g. All required roadways shall be provided prior to the existence of any combustible construction or storage in this development. The roadways shall be constructed to a 20-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage. (EGCSDFD)
- h. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls, tree wells and/or all other traffic calming devices is subject to the standards of the Elk Grove CSD Fire Department. All proposed traffic-mitigation plans shall be submitted to the Elk Grove CSD Fire Department for review and approval prior to installation. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code. (EGCSDFD)

- <sup>1</sup> Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the City of Elk Grove Code, a Mitigation Monitoring and Reporting Program, City Control Number EG-05-812, has been established for the project entitled "**BADER ROAD REZONE AND TENTATIVE PARCEL MAP**".

The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

It shall be the responsibility of the project Applicant to provide written notification to the Environmental Coordinator, in a timely manner, of the completion of each Mitigation Measure as identified on the preceding pages. The City of Elk Grove Planning Department will verify, within ten (10) business days of notification, that the project is in compliance. Any non-compliance will be reported to the project Applicant, and it shall be the project Applicant's responsibility to rectify the situation by bringing the project into compliance and re-notifying the Environmental Coordinator. Any indication that the project is proceeding without good-faith compliance could result in the imposition of administrative, civil and/or criminal penalties upon the project Applicant in accordance with Chapter 20.02 of the City of Elk Grove Code.

It shall be the responsibility of the project Applicant to reimburse the City for all expenses incurred in the implementation of the Mitigation Monitoring and Reporting Program, including any necessary enforcement actions. The initial estimate of City monitoring costs for this project is **\$ 1,500**, which must be paid to the City of Elk Grove Planning Department. If actual City monitoring costs are less than the initial estimate, the difference will be refunded to the Applicant; and if the actual City monitoring costs exceed the initial estimate, a revised estimate and/or supplemental bill(s) will be submitted to the Applicant.

Pursuant to Section 20.02.060 of the City of Elk Grove Code, upon the determination of the Environmental Coordinator that compliance with the terms of the approved Mitigation Monitoring and Reporting Program has been achieved, and that there has been full payment of all fees for the project, the Environmental Coordinator shall issue and the City Clerk shall record a Program Completion Certificate for the project.

In order to record the adopted Mitigation Monitoring and Reporting Program with the County Recorder as required by Section 20.02.050(b)(2) of the City of Elk Grove Code, the project Applicant shall provide to the City of Elk Grove Planning Department a Legal Description for the real property that is the subject of the project.

The requirements of this adopted Program run with the real property that is the subject of the project, as described in **Exhibit B**. Successive owners, heirs and assigns of this real property are bound to comply with all of the requirements of the adopted Program.

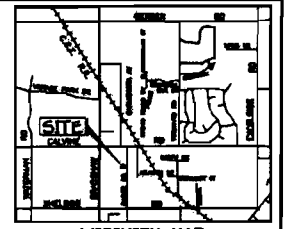
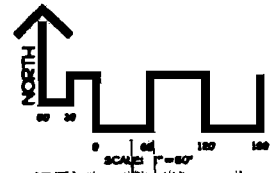
Prior to any lease, sale, transfer or conveyance of any portion of the real property that is the subject of the project, the record owner(s) at the time of the application for the project, or his or her successor's in interest, shall provide a copy of the

adopted Program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

Chapter 20.02 of the City of Elk Grove Code permits civil remedies and criminal penalties to be imposed in the event of non-compliance with an adopted Mitigation Monitoring and Reporting Program. The civil remedies, which are found in Section 20.02.090 of the City of Elk Grove Code, include injunctive relief, stop work orders, revocation of any special permit granted concurrently with the approval of a Program, and the abatement of any resulting nuisance. The criminal penalties, which are found in Section 20.02.080 of the City of Elk Grove Code, include a fine not to exceed five hundred dollars or imprisonment in the County jail not to exceed six months, or both.

# TENTATIVE PARCEL MAP

A ALL THAT PORTION OF THE EAST HALF OF THE NORTH WEST QUARTER (E1/2 OF THE NW 1/4 OF SECTION 21, T. 7 N., R. 6 E., M.D.B. AND M. CITY OF ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA  
DECEMBER, 2004



VICINITY MAP  
1/8" SCALE

**PROJECT DATA**

**OWNER**  
LARRY J. BAKER JR.  
5180 BAKER BLVD.  
SACRAMENTO, CALIFORNIA 95820

**DEVELOPER**  
L. J. BAKER  
5180 BAKER BLVD., SUITE 100  
ELK GROVE, CALIFORNIA 95758  
PH: (916) 963-2888 FAX: (916) 963-2882

**ENGINEER**  
BAKER WILLIAMS ENGINEERING GROUP  
2000 WATLAND DRIVE, SUITE 110  
SACRAMENTO, CALIFORNIA 95820  
PH: (916) 331-2222  
FAX: (916) 331-2222

**APPROXIMATE PARCEL NUMBER**  
122-0210-008

**ACREAGE**  
4.542 ACRES GROSS 4.542 ACRES NET

**EXISTING USE**  
VACANT

**PROPOSED USE**  
AGRICULTURE-RESIDENTIAL

**EXISTING ZONING**  
AG-3

**PROPOSED ZONING**  
AG-3

**NUMBER OF LOTS**  
4

**SEWER**  
PRIVATE SEWER

**WATER SUPPLY**  
PRIVATE WELL

**DRAINAGE**  
CITY OF ELK GROVE - (916) 963-7111

**FIRE PROTECTION**  
ELK GROVE COMMUNITY SERVICES DISTRICT  
2000 WATLAND DRIVE, SUITE 110  
SACRAMENTO, CA 95820 - (916) 963-2882

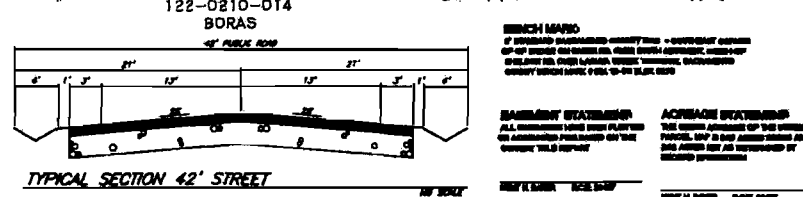
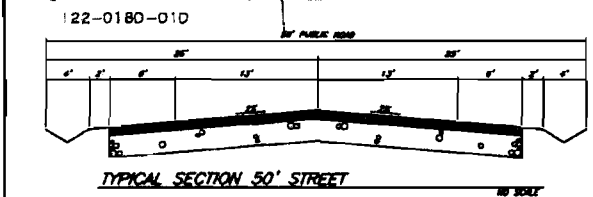
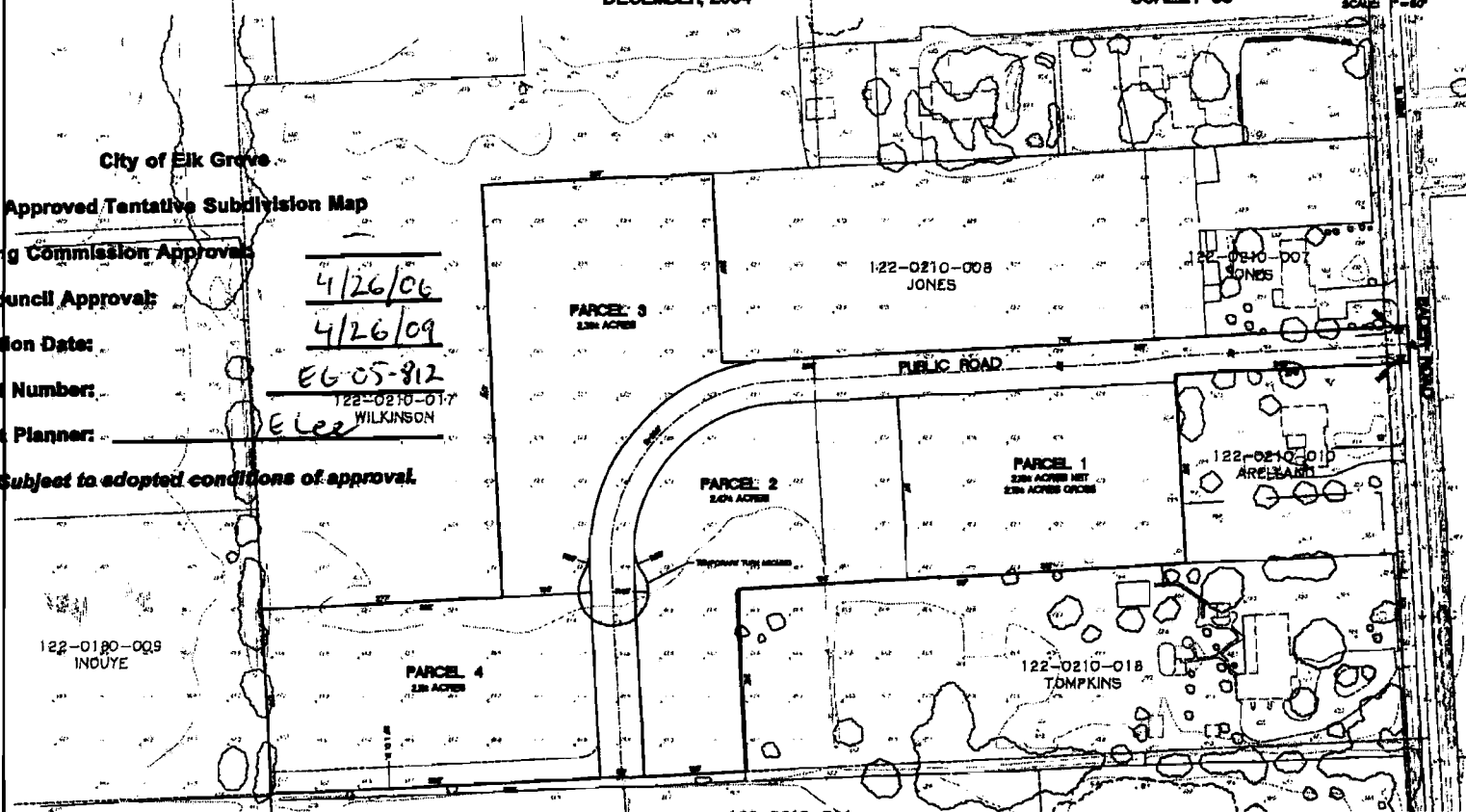
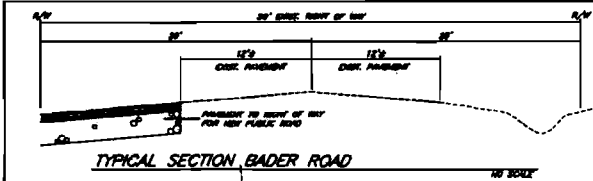
**ELECTRIC SERVICE**  
SCE&KE - (916) 732-2300  
P.O. Box 10000, Sacramento, CA 95820

**GAS SUPPLY**  
SCE&KE - (916) 392-2823  
1000 WATLAND DRIVE, SUITE 110

**TELEPHONE SERVICE**  
SACRAMENTO COMMUNITY SERVICES DISTRICT  
2000 WATLAND DRIVE, SUITE 110  
SACRAMENTO, CA 95820

**SCHOOL SERVICE**  
CITY OF ELK GROVE COMMUNITY SERVICES DISTRICT

**PARK SERVICE**  
ELK GROVE COMMUNITY SERVICES DISTRICT  
CITY OF ELK GROVE OFFICES



City of Elk Grove  
Approved Tentative Subdivision Map  
Planning Commission Approval: 4/26/06  
City Council Approval: 4/26/09  
Expiration Date: 4/26/09  
Project Number: EG-05-812  
Project Planner: E Lee  
122-0210-017 WILKINSON

Note: Subject to adopted conditions of approval.

**RECORD MAPS**  
IF APPLICABLE, RECORD MAPS MUST BE SUBMITTED TO THE COUNTY CLERK'S OFFICE WITH THIS TENTATIVE PARCEL MAP. RECORD MAPS MUST BE SUBMITTED TO THE COUNTY CLERK'S OFFICE WITH THIS TENTATIVE PARCEL MAP.

**BOUNDARY STATEMENTS**  
ALL BOUNDARY STATEMENTS MUST BE PREPARED BY A LICENSED SURVEYOR AND MUST BE SUBMITTED TO THE COUNTY CLERK'S OFFICE WITH THIS TENTATIVE PARCEL MAP.

**ACREAGE STATEMENTS**  
ALL ACREAGE STATEMENTS MUST BE PREPARED BY A LICENSED SURVEYOR AND MUST BE SUBMITTED TO THE COUNTY CLERK'S OFFICE WITH THIS TENTATIVE PARCEL MAP.

**MARK DIMS** 1/8" = 10'  
**MARK DIMS** 1/8" = 10'

REMOVED OCTOBER 01, 2005

**BW BAKER WILLIAMS ENGINEERING GROUP**  
2000 WATLAND DRIVE, SUITE 110  
SACRAMENTO, CA 95820  
PH: (916) 331-2222  
FAX: (916) 331-2222

JOB # 04-12-186 LAYOUT-ADWG

EG-05-812

**Exhibit B**