

RESOLUTION NO. 2010-245

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
TO APPROVE A TENTATIVE SUBDIVISION MAP FOR THE NJ WILSON ESTATES
PROJECT – REZONE AND TENTATIVE SUBDIVISION MAP PROJECT (EG-10-016);
ASSESSOR’S PARCEL NUMBERS 127-0030-063 AND 127-0030-064**

WHEREAS, the Planning Department of the City of Elk Grove received an application from Nathaniel J. Wilson (hereinafter referred to as the Applicant) on March 4, 2010, for a Rezone and Tentative Subdivision Map; and

WHEREAS, the NJ Wilson Estates – Rezone and Tentative Subdivision Map Project (EG-10-016) (hereinafter referred to as the Project) is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor’s Parcel Numbers 127-0030-063-0000 and 127-0030-064-0000; and

WHEREAS, the proposed tentative subdivision map does not meet any of the findings for denial established under Section 66474 of the California Subdivision Map Act; and

WHEREAS, the proposed tentative subdivision map is consistent with both the City’s General Plan and Elk Grove Municipal Code, Title 23 development standards for agricultural residential development; and

WHEREAS, the proposed parcels’ size and configuration comply with the development standards established for the site’s underlying AR-2 zoning designation; and

WHEREAS, all required services and access to the proposed parcels are available, in compliance with the City’s standards; and

WHEREAS, it is not anticipated that the proposed subdivision will be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the adjacent rural agricultural residential development; and

WHEREAS, based on staff’s review of the Project, no special circumstances exist that would create a reasonable possibility that the proposed tentative parcel map will have a significant effect on the environment; and

WHEREAS, the Planning Division considered the Project request pursuant to the Elk Grove General Plan, the City of Elk Grove Municipal Code, Title 23 Zoning, and all other applicable State and local regulations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 7, 2010, as required by law and considered all of the information presented by staff and public testimony presented in writing and at the meeting.

WHEREAS, at the October 7, 2010 meeting, the Planning Commission adopted Resolution 2010-40, recommending approval of the Project to the City Council.

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 City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove approves the Tentative Subdivision Map subject to the conditions of approval contained in Exhibit A and as illustrated in the attached Exhibit B, incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of November, 2010.



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Exhibit A: Conditions of Approval

<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>On-Going</p> <p>1. The development approved by this action is for a Tentative Subdivision Map as specifically described in the November 10, 2010 City Council staff report's "Project Description" and illustrated in the following project plans:</p> <ul style="list-style-type: none"> • Tentative Subdivision Map dated August 25, 2010 <p>Deviations from the approved plans and "Project Description" shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
<p>2. The Tentative Subdivision Map shall become effective after a ten (10) day appeal period, provided that there are no appeals. In the event of an appeal, this approval shall be withheld pending the outcome of the appeal.</p>	On-Going	Planning	
<p>3. 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. The Applicant further agrees to provide a defense for the City in any such action.</p>	On-Going	Planning	

Exhibit A: Conditions of Approval

<u>Conditions of Approval</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>	<u>Verification (date and Signature)</u>
4. This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
5. The Tentative Subdivision Map shall expire in accordance with applicable State law and local ordinance.	As of the date of approval, expiration will occur 36 Months from the date of City Council Approval	Planning	
Prior to Improvement Plans/Grading/Construction			
<p>6. The following shall be required as notes on all improvement plans, grading plans, and construction plans:</p> <ul style="list-style-type: none"> • “The Planning Division shall be notified immediately if any prehistoric, archaeological, or paleontological 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 California’s 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 	Shown on Improvement Plans, Grading Plans, and Construction Plans	Planning	

Exhibit A: Conditions of Approval

<u>Conditions of Approval</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>	<u>Verification (date and Signature)</u>
<p>be followed.”</p>			
<p>7. Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, applicant shall use water from agricultural wells for grading and construction.</p>	<p>Improvement Plans</p>	<p>Sacramento County Water Agency (SCWA)</p>	
<p>Prior to Final Map</p>			
<p>8. The Applicant shall record a maintenance and access agreement involving all the parcels of the subject map ensuring timely maintenance of the private access easement to the satisfaction of Public Works.</p>	<p>Final Map</p>	<p>Public Works</p>	
<p>9. Final Map shall be completed, approved and recorded prior to issuance of the 1st building permit for any new homes.</p>	<p>Final Map</p>	<p>Public Works</p>	
<p>10. Prior to the recordation of the Final Map, the project area shall annex into the Maintenance Mello-Roos Community Facilities District 2006-1 (CFD), to fund the project's fair share of landscape related maintenance costs associated with public parkways, public parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community center, sports (including aquatic) facilities, cultural arts center, and water features, and maintenance of other related facilities. The annexation process can take several</p>	<p>Final Map</p>	<p>Finance</p>	

Exhibit A: Conditions of Approval

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see http://www.elkgrovecity.org/finance/cfd-information.asp.</p>			
11.	<p>Prior to the recordation of the Final Map, the project area shall annex into the Police Services Mello-Roos Community Facilities District 2003-2 (CFD), to fund the project's fair share of Public Safety costs. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see http://www.elkgrovecity.org/finance/cfd-information.asp.</p>	Final Map	Finance	
12.	<p>Prior to the recordation of the Final Map, the project area shall annex into the Street Maintenance Assessment District No. 1 Zone 3 to fund a portion of the additional costs for long-term roadway maintenance related to serving the new development. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Levy Street Maintenance Assessments. For further</p>	Final Map	Finance	

Exhibit A: Conditions of Approval

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>information on this District, see http://www.elkgrovecity.org/finance/assessment-other-dist-info.asp.</p>			
13.	<p>The Applicant shall dedicate the proposed 20-foot access easement as a public utility easement for overhead and underground facilities and appurtenances.</p>	Final Map	SMUD/Public Works	
	<p>Prior to Building Permit</p>			
14.	<p>Dead end access roads shall be provided with an approved area for turning around fire apparatus that complies with Cosumnes CSD Fire Departments standards and the California Fire Code. Hammerheads shall be marked with no parking signs which read NO PARKING FIRE LANE.</p>	Prior to Issuance of Building Permit	Cosumnes Community Services District Fire Department (CSD Fire)	
15.	<p>Private driveways / roads shall meet the minimum requirements of the Cosumnes CSD Fire Department and the California Fire Code for emergency access. Driveways serving two homes or less shall at a minimum extend to the garage, shall be constructed with all weather materials and capable of supporting 65,000 gross vehicle weights. Driveways serving more than two homes, including but not limited to guest, parent-in-law quarters or the like, shall be a minimum of 20 feet wide and paved.</p>	Building Permit	CSD Fire	
16.	<p>Site and emergency access driveway / private road plans shall be submitted to the Cosumnes Fire Department for review and approval by the Fire Department prior to construction. All addresses</p>	Building Permit	CSD Fire	

Exhibit A: Conditions of Approval

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	shall be assigned and provided to the Fire Department prior to plan approval.			
17.	Gates across fire access roads or private driveways shall be a minimum width of 20 feet for fire department access and equipped with Knox and Click 2 Enter rapid entry devices.	Building Permit/On-Going	CSD Fire	
18.	All homes not supplied by public water shall be provided with an approved automatic fire protection system. Homes supplied by public water shall have an approved automatic fire sprinkler system installed within all new R-3 occupancies when the total floor area (area under roof including garages and attached solid roof canopies) exceeds 5,999 sq. ft. and/or the total livable area (area not including garages and attached solid roof canopies) exceeds 4,999 sq. ft. Beginning January 1, 2011, all new single family dwellings shall be equipped with an approved residential fire sprinkler system meeting the minimum requirements of the 2010 Edition of NFPA 13D.	Building Permit	CSD Fire	
19.	The project applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance.	Building Permit	Finance	
20.	The Applicant shall test all water wells for arsenic at the time of construction.	Building Permit	SCWA	
21.	The property owners shall participate in future groundwater management and well protection programs adopted by the Sacramento County Water Agency that are applicant uniformly throughout Zone 40.	Building Permit/On-Going	SCWA	

Exhibit A: Conditions of Approval

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
22.	Prior to the issuance of any building permits for the project, the project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Title 4 of the Sacramento County Water Agency Code.	Building Permit	SCWA	
23.	An on-site sewage disposal system is required for the undeveloped proposed parcels and permits shall be obtained from the Sacramento County Environmental Management Department prior to the issuance of a Building Permit. Parcels shall not be developed beyond its capacity to treat and dispose wastewater. Permit approvals will be based upon Sacramento County and/or the State of California design standards applicable at the time the permits are obtained.	Building Permit	Sacramento County Environmental Management Department (EMD)	
24.	Permits to drill individual water wells must be obtained from the Sacramento County Environmental Management Department prior to the issuance of the building permit.	Building Permit	EMD	

Exhibit A: Conditions of Approval

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.

1. 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. (Public Works)
2. The Applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance. (Public Works)
3. Any public improvements damaged during construction shall be replaced, by the Applicant, in-kind or with new improvement. (Public Works)
4. Improvement related conditions can be satisfied by completing an approved design, executing an improvement agreement and providing suitable financial security (e.g. bonds, letter of credit, etc), all to the satisfaction of the City, prior to the implementation timing required by the condition. (Public Works)
5. All driveways and intersections shall conform to the visibility easement requirement in the City of Elk Grove Improvement Standards. (Public Works)
6. The Applicant shall submit and obtain City approval of plans and specifications for the construction of public improvements and all grading. The drainage system shall be designed in accordance with the accepted Drainage Study to accommodate runoff from the ultimate development and shall meet the City of Elk Grove Improvement Standards, construction standards, storm water design standards, and City of Elk Grove Flood Plain Management Plan and Ordinance in effect at the time of Improvement Plan approval. Street gutter flowlines shall be designed to be above the 10-year frequency flood elevation pursuant to the Floodplain Management Plan. (Public Works)
7. The Applicant shall complete grading and construct all on-site and off-site drainage improvements in accordance with the approved Improvement Plans. Fulfill all requirements of federal and state permits. (Public Works)
8. All civil engineering plans are required to be submitted in an electronic format. When plans are ready for final signature, it is required that the engineering firm submits 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:

Exhibit A: Conditions of Approval

DXF (Drawing Interchange File) any DXF version is accepted.

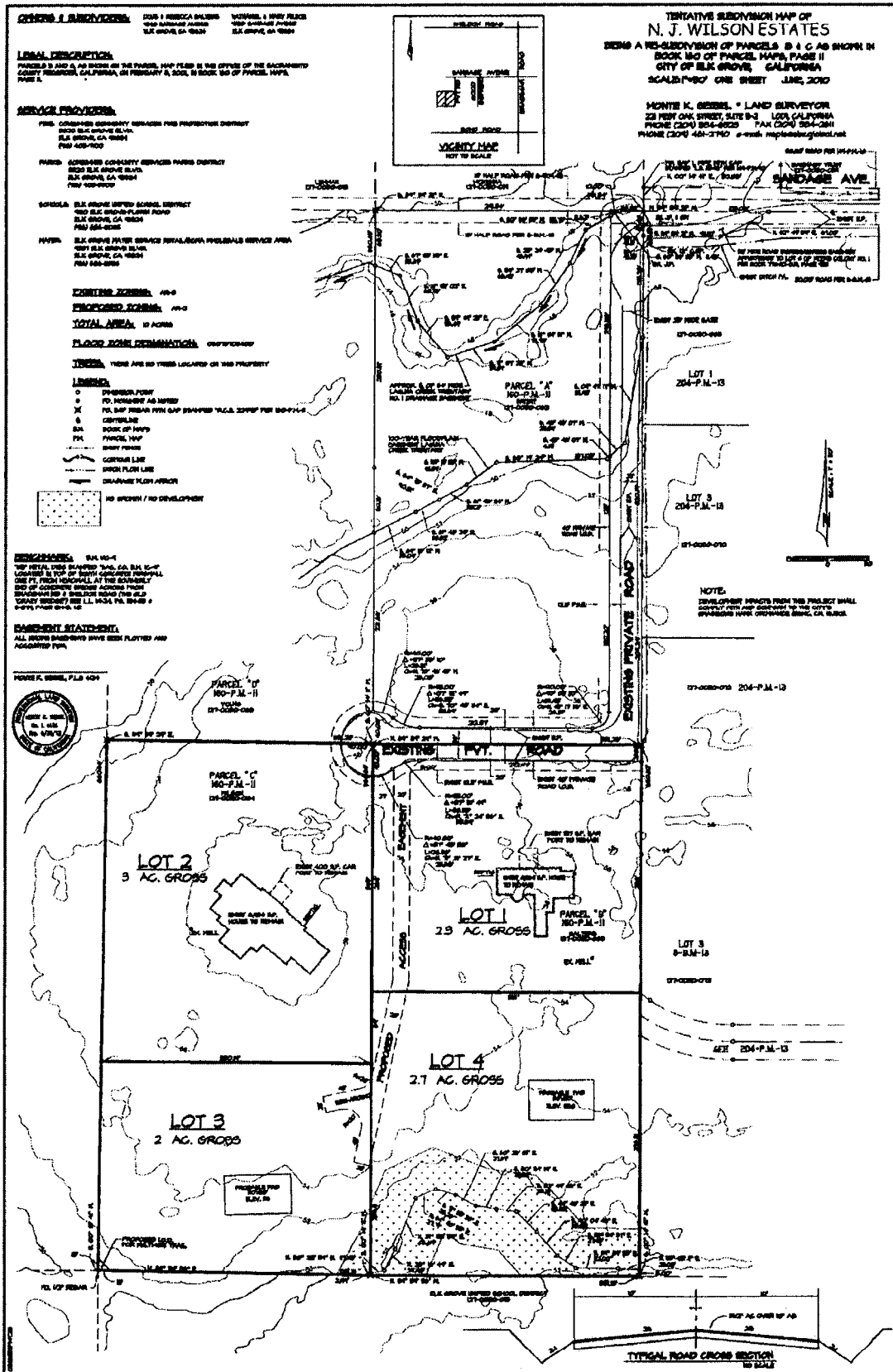
DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted. (CSD Fire)

9. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans. (CSD Fire)
10. 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 5% for concrete. The roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage. (CSD Fire)
11. 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 standards outlined by the Cosumnes CSD Fire Department. All proposed traffic-mitigation plans shall be submitted to the Cosumnes CSD Fire Department for review and approval prior to installation. (CSD Fire)
12. The wetlands/riparian corridors of creeks create an unusual fire hazard and challenge to emergency responders. The following requirements apply:
 - A. Provide non-combustible fences along all developed areas adjacent to wetlands, creeks or open spaces.
 - B. Provide access to all wetland corridors at the end of cul-de-sacs via rolled curbs and gates with pipe bollards. Bike lanes adjacent to creeks shall be a minimum of 10 feet wide with a turning radius of not less than 35 feet inside and 45 feet outside diameters.
 - C. Any bridges over creeks or wetland areas shall be capable of supporting 65,000 GVW.
 - D. Provide a least ten (10) feet of greenbelt or other defensible space between non-combustible fences and the creek/wetlands area. (CSD Fire)
13. For further information on development related fees, see the 2010 Development Related Fee Booklet at: <http://www.elkgrovecity.org/finance/df.asp>. Applicants are advised to review the Planned Fee Updates portion of the web page, and are encouraged to sign up for email updates on the 2010 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 for the costs associated with your project. (Finance)
14. Environmental Management Department approval will be required for the on-site waste disposal facilities, if needed. (SASD)

Exhibit A: Conditions of Approval

15. All wells in the Mehrten Formation shall be constructed with sanitary seals extended to just above the intake sections of the wells. (SCWA)
15. Prior to the issuance of any building permits for the project, the project shall conform to the specific provisions of the City of Elk Grove Water Efficient Landscape Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator. (SCWA)

Exhibit B: Tentative Subdivision Map



NJ Wilson Estates – Tentative Subdivision Map and Rezone (EG-10-016)

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-245

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


I, Jason Lindgren, 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 November 10, 2010 by the following vote:

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

NOES: **COUNCILMEMBERS:** **None**

ABSTAIN : **COUNCILMEMBERS:** **None**

ABSENT: **COUNCILMEMBERS:** **Detrick**



Jason Lindgren, City Clerk
City of Elk Grove, California