

RESOLUTION NO. 2015-179

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING NO FURTHER CEQA REVIEW IS NECESSARY FOR THE HALFWAY ROAD
PARCEL MAP PROJECT; AND APPROVING A TENTATIVE PARCEL MAP FOR THE
HALFWAY ROAD PARCEL MAP PROJECT (EG-14-034)
ASSESSOR PARCEL NUMBER 123-0160-001**

WHEREAS, the Planning Department of the City of Elk Grove received an application on October 24, 2014 from Kenneth Development (the "Applicant") requesting a Rezone and Tentative Parcel Map (the "Project"); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor Parcel Number (APN): 123-0160-001; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §21000-§21189.3, but is exempt; and

WHEREAS, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Title 14 of the California Code of Regulations (State CEQA Guidelines) provides an exemption from CEQA for projects which are consistent with a Community Plan, General Plan or Zoning for which an Environmental Impact Report (EIR) has been certified and "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site"; and

WHEREAS, an EIR was certified by the City Council for the adoption of the City of Elk Grove General Plan. The proposed Rezone and Tentative Parcel Map are consistent with the General Plan. Therefore, the proposed project qualifies for the exemption under CEQA Guideline Section 15183, as the proposed Rezone and Tentative Parcel Map are consistent with the General Plan, for which an EIR was certified; and

WHEREAS, the proposed Project is consistent with the project described in the previously certified EIR and no potential new impacts related to the properties or Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR; and

WHEREAS, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that granting a Rezone and Tentative Parcel Map for this Project will have a significant effect on the environment beyond what was previously analyzed and disclosed; and

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

WHEREAS, the Planning Commission held a duly noticed public hearing on July 16, 2015, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony at the meeting and voted 5-0 to recommend approval of the Project to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby finds the proposed Halfway Road Parcel Map Project (EG-14-034) exempt from the provisions of CEQA pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the State CEQA Guidelines based upon the following finding:

California Environmental Quality Act (CEQA)

Finding: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15183 of Title 14 of the California Code of Regulations.

Evidence: CEQA Guideline Section 15183 provide that projects which are consistent with a Community Plan, General Plan or Zoning for which an EIR has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." An EIR was certified by the City Council for the adoption of the City of Elk Grove General Plan. The proposed Rezone and Tentative Parcel Map are consistent with the General Plan. Therefore, the proposed project qualifies for the exemption under CEQA Guideline Section 15183, because the proposed Rezone and Tentative Parcel Map are consistent with the General Plan, for which an EIR was certified.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby approves the Tentative Parcel Map for the Halfway Road Parcel Map Project (EG-14-034) as described in Exhibit A and illustrated in Exhibit B, and subject to the Conditions of Approval in Exhibit C, all incorporated herein by this reference based upon the following findings:

Tentative Parcel Map

Finding: None of the findings (a) through (g) below in Section 66474 of the California Government Code that require a City to deny approval of a tentative map apply to this project.

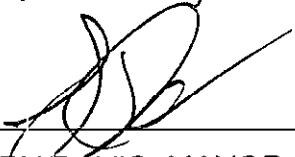
- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type 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 is 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:

- 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 because the site is designated Rural Residential in the General Plan and zoned for rural residential land use.
- d. The site is appropriate for the specified density of development because the site is designated Rural Residential in the General Plan and zoned for rural residential land use.
- e. The proposed Tentative Parcel Map is consistent with the General Plan and rezone and therefore would not cause substantial environmental damage.
- 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.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of August 2015.



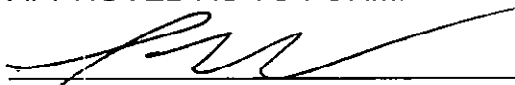
GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Exhibit A
Halfway Road Parcel Map (EG-14-034)
Project Description

PROJECT DESCRIPTION

The Halfway Road Parcel Map Project (Project) consists of a Rezone to change the zoning designation from AR-5 to AR-2, and a Tentative Parcel Map to subdivide a 9.95-acre parcel into four parcels consisting of 2.54 acres, 2.59 acres, 2.39 acres, and 2.43 acres, respectively. The Rezone is required in order to approve the Tentative Parcel Map at the proposed lot sizes. Swainson's hawk mitigation for the impact of 2.63 acres of Swainson's hawk suitable habitat has been collected for the Project.

Rezone

To change the zone district from AR-5 to AR-2.

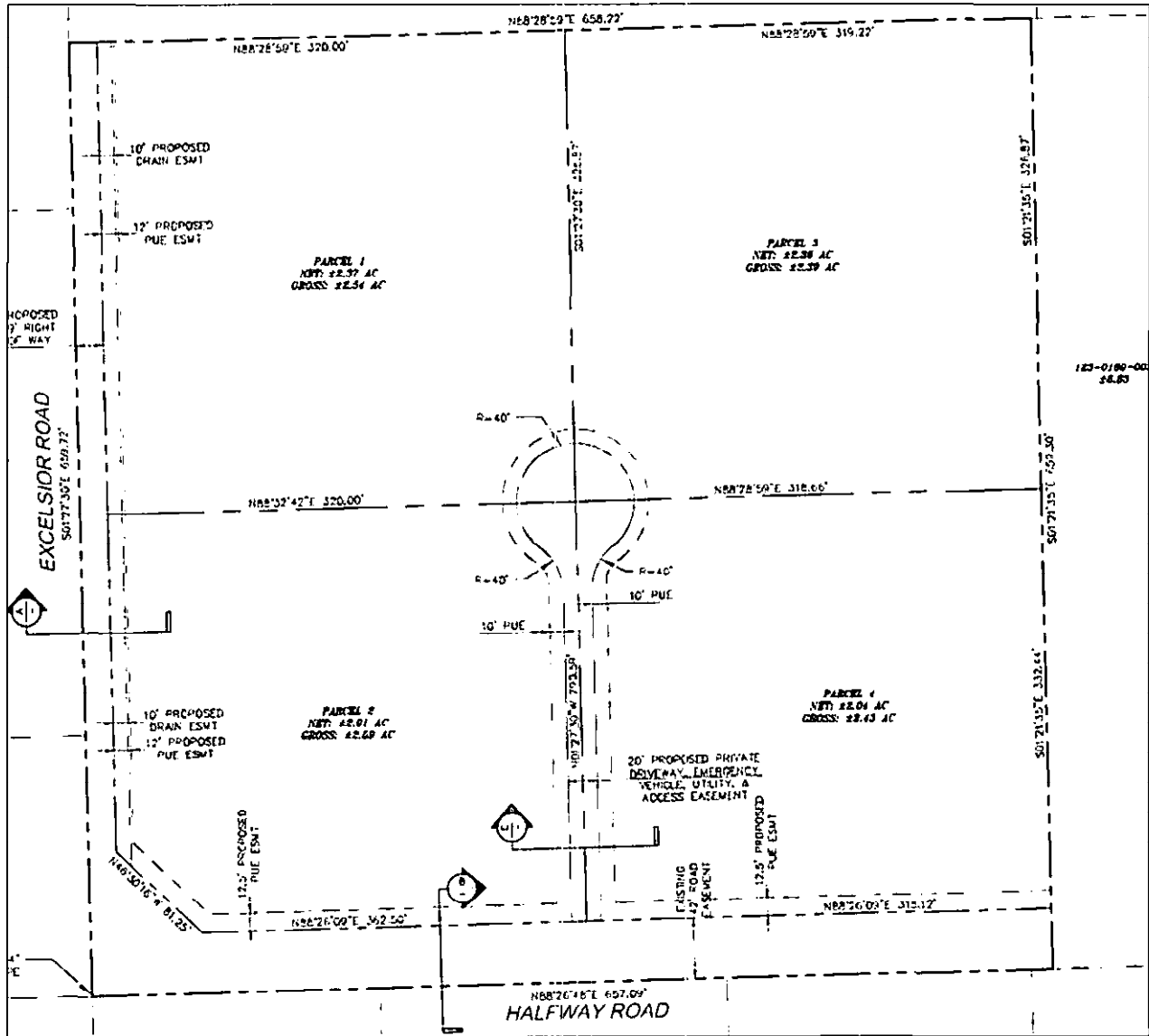
Tentative Parcel Map

To subdivide a 9.95-acre parcel into four parcels consisting of 2.54 acres (Parcel 1), 2.59 acres (Parcel 2), 2.39 acres (Parcel 3), and 2.43 acres (Parcel 4), respectively, as illustrated in Exhibit B.

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Exhibit B
 Halfway Road Parcel Map (EG-14-034)
 Project Exhibits

Tentative Parcel Map



**Exhibit C
Halfway Road Parcel Map (EG-14-034)
Conditions of Approval**

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On-Going				
1.	<p>The Project approved by this action is for a Tentative Parcel Map, as specifically described in Exhibit A and as illustrated in the Project plans in Exhibit B.</p> <p>Deviations from the approved plans shall be reviewed by the City of Elk Grove (City) for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
2.	<p>The Tentative Parcel Map approval is valid for three (3) years from the date of approval, unless an extension of time is subsequently approved or extended by "Legislation" including any current or future California State legislative extensions available and as may be applicable from the initial tentative map approval date by which this resolution was adopted.</p>	Three years, from date of City Council approval	Planning	
3.	<p>This action does not relieve the Applicant of the obligation to comply with all Elk Grove Municipal Code Sections, statutes, regulations, and procedures.</p>	On-Going	Planning	
4.	<p>The Applicant, or Successors in Interest (hereby 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 Application 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	

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5.	<p>Except as otherwise specified or provided for in the Project plans or in these conditions, the Project shall conform to the development standards and design requirements adopted by the City of Elk Grove, specifically including but not limited to the following:</p> <ul style="list-style-type: none"> • The Elk Grove Zoning Code (Title 23 of the EGMC) • EGMC Chapter 19.12 (Tree Preservation and Protection) • EGMC Chapter 14.10 (Water Efficient Landscape Requirements) 	On-Going	Planning Public Works	
6.	<p>The Applicant shall design and construct all improvements in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works. Septic, well, and utility (e.g., electricity) infrastructure shall be designed and constructed in accordance with the standards of the appropriate governing agency or utility provider.</p>	On-Going	Public Works EMD SMUD PG&E	
7.	<p>The Applicant shall pay all plan check fees, impact fees, or other costs as required by the City, the Cosumnes Community Services District (CCSD), Sacramento County Water Agency (SCWA), or other agencies or services providers as established by law.</p>	On-Going	Planning Public Works CCSD SCWA	
8.	<p>Approval of this Project does not relieve the Applicant from the applicable requirements of subsequent permits and approvals, including but not limited to the following as may be applicable:</p> <ul style="list-style-type: none"> • Grading Permit and Improvement Plan • Building Permit and Certificate of Occupancy • Requirements of the Sacramento Metropolitan Air Quality Management District, Sacramento Municipal Utility District, and SCWA • Fire permit 	On-Going	Planning Public Works Building CCSD SMAQMD SMUD SCWA	

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	Final Map			
9.	The Applicant shall dedicate and design Excelsior Road as a collector in accordance with the City of Elk Grove Rural Road Improvement Standards and to the satisfaction of Public Works. The Applicant shall make an in-lieu payment to the City for the total cost to construct the Project's frontage improvements along Excelsior Road. The total cost shall be based on a detailed cost estimate prepared by a licensed civil engineer. The estimate shall be reviewed and accepted by the City prior to making the payment.	Final Map	Public Works	
10.	The Applicant shall dedicate the private road as an easement to allow access for services such as utility and emergency vehicles to the satisfaction of Public Works.	Final Map	Public Works	
11.	The Applicant shall dedicate to the City, a 12.5 foot utility easement for underground facilities and appurtenances adjacent to all public streets.	Final Map	Public Works	
12.	The Applicant shall provide a private street maintenance agreement for the proposed 20' wide private road between the Parcels of this development.	Final Map	Public Works	
13.	The Applicant shall dedicate to the City a drainage easement along Excelsior Road adjacent to the Project's frontage as shown on the tentative map.	Final Map	Public Works	
14.	No future driveways shall be permitted along Excelsior Rd. The Applicant shall dedicate access rights (direct vehicular ingress and egress to Excelsior Road) to the City.	Final Map	Public Works	

Exhibit C
 Halfway Road Parcel Map (EG-14-034)
 Conditions of Approval

	<u>Conditions of Approval</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>	<u>Verification (date and signature)</u>
15.	<p>Prior to the recordation of the Final Map, the Applicant shall annex the Project area 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 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 www.elkgrovecity.org/finance/financial-planning-division/cfd-information.htm.</p>	Final Map	Finance	
16.	<p>Prior to the recordation of the Final Map, the Applicant shall annex the Project area 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	
17.	<p>Prior to the recordation of the Final Map, the Applicant shall annex the Project area into the Storm Water Drainage Fee Zone 2 to fund a portion of the additional costs for storm water drainage and run-off 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 Storm Water Drainage Fee Zone 2 assessments. For further information on this District, see http://www.elkgrovecity.org/finance/assessment-other-dist-info.asp.</p>	Final Map	Finance	

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	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
18.	<p>Prior to the Final Map, the Applicant shall annex the Project area 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 information on this District, see http://www.elkgrovecity.org/finance/assessment-other-dist-info.asp.</p>	Final Map	Finance	
19.	<p>Prior to the recordation of Final Map, the Applicant shall either:</p> <ol style="list-style-type: none"> 1. Form or annex into an annual Mello-Roos Community Facilities District special tax for fire and emergency services; or 2. Pay an equivalent amount for fire and emergency services as determined to be the fair share owed by the Applicant to the CCSD in their sole discretion. <p>Any costs for the approval and creation of such annual special tax, annexation of the property into a Mello-Roos Community Facilities District for the Cosumnes Community Services District, or administration of the amount deposited to fund fire and emergency services, shall be paid from the annual special taxes of the Community Facilities District or the amount deposited with the Cosumnes Community Services District. The Applicant shall notify all potential lot buyers prior to sale that this Project is a part of a benefit assessment district and shall inform potential buyers of the special tax amount. Said notification shall be in a manner approved by the City. The Applicant shall supplement these costs until sufficient revenue is provided by such special district. In the event that the Applicant fails to form or annex into a Community Facilities District or pay an equivalent amount as provided for herein for such purposes for the Cosumnes Community Services District, no further building permits for the property shall be issued.</p>	Final Map	CCSD Fire	

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Building Permit				
20.	<p>The Applicant shall destroy all abandoned wells on the Project site in accordance with the requirements of the Sacramento County Environmental Management Department. Prior to abandoning any existing agricultural wells, the Applicant shall use water from agricultural well for grading and construction.</p> <p>The Applicant shall contact the Sacramento County Environmental Management Department and must consult and follow all required processes in regards to destroying abandoned wells.</p>	Prior to Building Construction	EMD	
21.	<p>The Applicant shall contact the Sacramento County Environmental Management Department and must consult and follow all required processes in regards to establishing a separate septic system for each parcel.</p>	Prior to Building Construction	EMD	

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2015-179

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 August 26, 2015 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Hume, Detrick, Ly, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California