

RESOLUTION NO. 2004-182

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP, EXCEPTION TO STANDARDS AND DESIGN REVIEW FOR NEWTON RANCH UNIT NO.3, PROJECT NO. EG-03-497, SUBJECT TO THE FINDINGS AND MMRP/CONDITIONS OF APPROVAL

WHEREAS, Newton Ranch Unit #3, represented by Towne Development, filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezoning, Tentative Subdivision Map, Exception to Standards, and Design Review of the Subdivision Map. (Assessor's Parcel Numbers 134-110-035 and 134-110-063); 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, an Initial Study was prepared for this project and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on June 10, 2004 and recommended to the City Council approval of the project.

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

Approve the Newton Ranch Unit #3 Tentative Subdivision Map, Exception to Standards, and Design Review based on the following findings and the attached exhibits and conditions of approval included as Exhibit A and B, respectively.

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 for Newton Ranch Unit # 3 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

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

Evidence: The General Plan and the East Elk Grove Specific Plan designates site as Low Density Residential and Open Space. As proposed, the project is consistent with the goals and policies of the General Plan and East Elk Grove Specific Plan for residential development and open space use in the City of Elk Grove.

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 East Elk Grove Specific Plan, Elk Grove General Plan and General Plan Land Use Map. The proposed amendment is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Exception to Standards

Finding: The requested exceptions to road standards substantially conforms with required street design and pattern.

Evidence: As further described in the staff report, the proposed design of Founders Court, which includes an off-set cul-de-sac and off-set elbow, has been determined to be in substantial compliance by the Elk Grove Community Services District- Fire Department and Parks District, and the City of Elk Grove-Public Works.

Finding: The requested exception to the required lot depth substantially conforms to the East Elk Grove Specific Plan development standards.

Evidence: Notwithstanding the insufficient lot depth, the anticipated development on Lot 4 has been conditioned to conform to the building envelope standards identified in the East Elk Grove Specific Plan.

Tentative Subdivision Map

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 designs 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. However, the following statements are applicable:

- a. The proposed maps are consistent with the Elk Grove General Plan, East Elk Grove Specific Plan.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan, East Elk Grove Specific Plan and design standards of the municipal code.
- c. The site is physically suitable for the residential development and will be consistent with the proposed General Plan.
- d. The site is appropriate for the specified density of development as presented in the staff report.
- e. The Mitigated Negative Declaration prepared for the Newton Ranch Unit #3 project determined that potential environmental impacts from the design of the subdivision or the proposed improvements will be mitigated to less than significant levels with implementation of the proposed Mitigation Measures and Conditions of Approval.
- f. The Mitigated Negative Declaration prepared for the Newton Ranch Unit #3 project determined that potential serious health problems were not identified for the project or will be mitigated to less than significant levels with implementation of the proposed Mitigation Measures and Conditions of Approval.
- 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.

Design Review

Finding: The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, Special Planning Area provisions, and Citywide Design Guidelines adopted by the City.

Evidence: The proposed Elk Grove General Plan has acknowledged the East Elk Grove Specific Plan as a key component of the General Plan Land Use Map. As such, any project proposed must be consistent with the Specific Plan and thus consistent with the proposed General Plan. The Newton Ranch Unit #3 project is consistent with the land use densities and design within the East Elk Grove Specific Plan and subsequently the Elk Grove General Plan. The proposal is consistent with the allowed density ranges and uses in the East Elk Grove Specific Plan, Elk Grove General Plan and General Plan Land Use Map. 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.

Finding: The proposed project will not create conflicts with vehicular, bicycle, or pedestrian modes of transportation.

Evidence: The project has been reviewed and conditioned to provide adequate circulation pattern consistent with the City of Elk Grove requirements.

Finding: The residential subdivision is well integrated with the City's street network, creates unique neighborhood environments and establishes a pedestrian friendly environment.

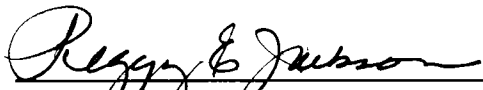
Evidence: The Newton Ranch Unit #3 project has been designed in accordance with the East Elk Grove Specific Plan and provides connectivity to the existing street network as well as provides an internal roadway pattern.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 21st day of July 2004.




SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



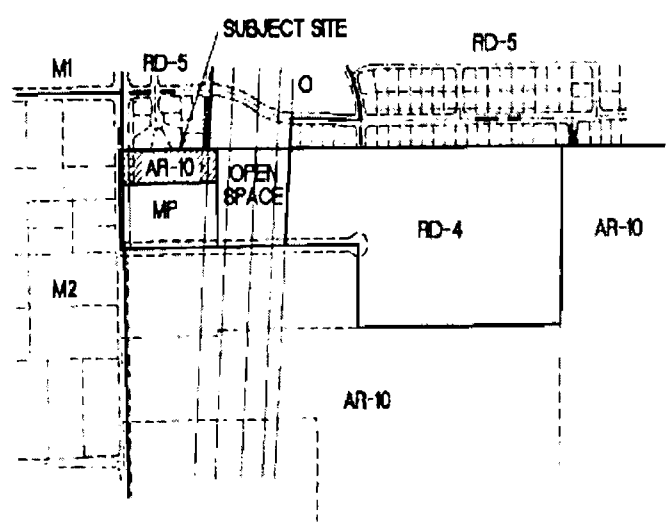
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

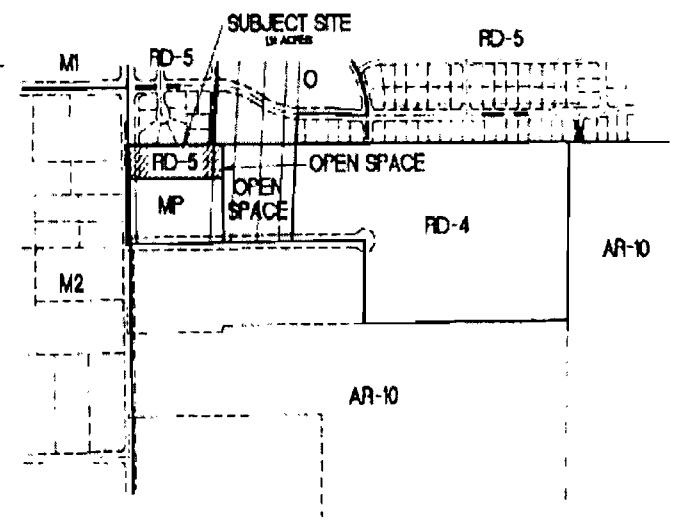


ANTHONY B. MANZANETTI,
CITY ATTORNEY

SCALE: 1" = 100'



EXISTING ZONING



PROPOSED ZONING

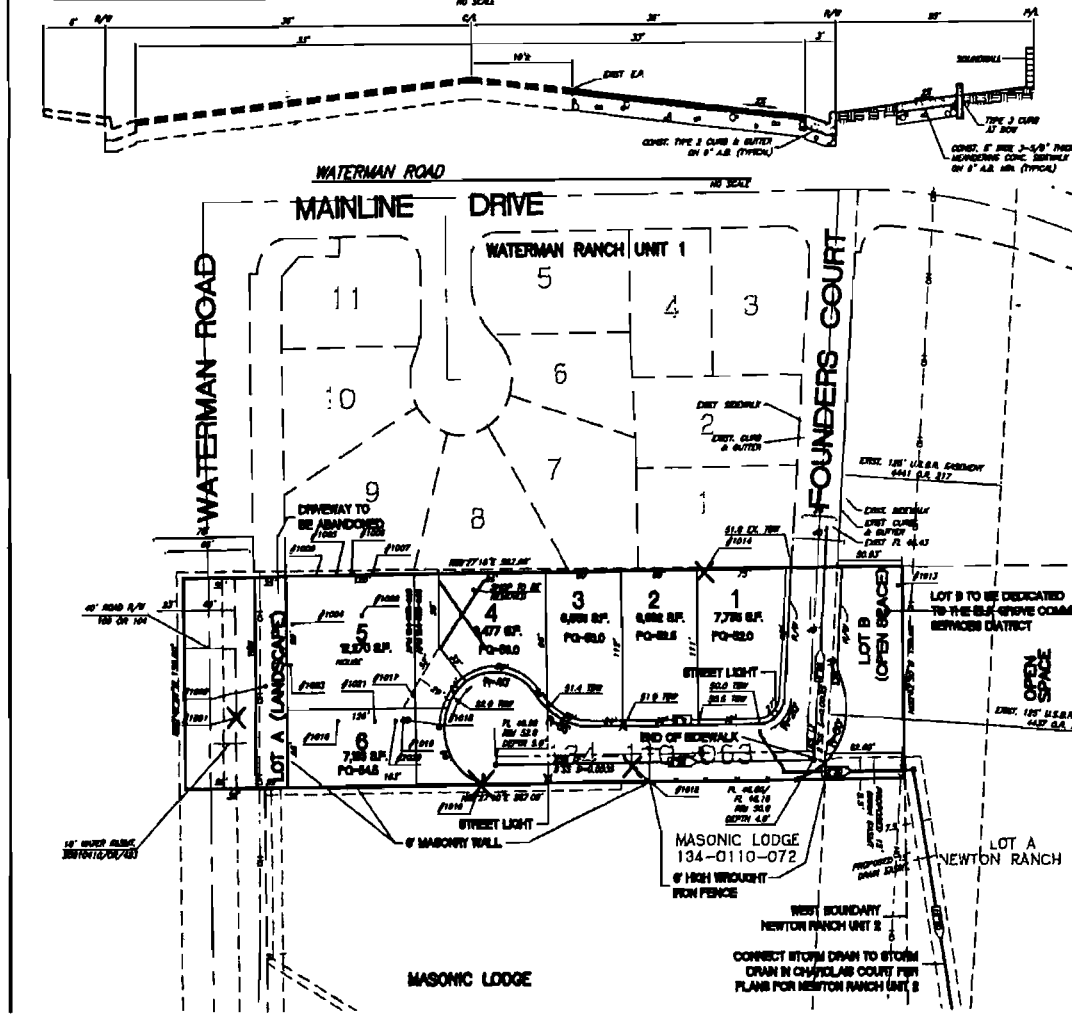
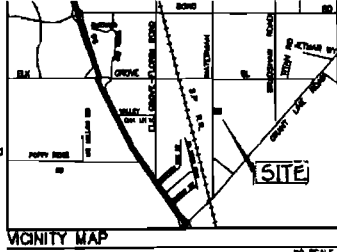
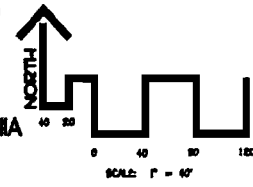
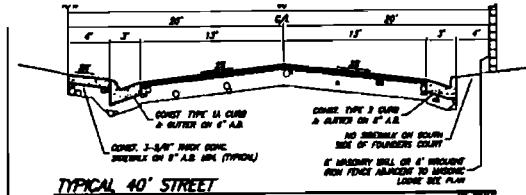
Exhibit A:

Rezoning

REZONE AND TENTATIVE SUBDIVISION MAP NEWTON RANCH 3 SUBDIVISION NO. EG-03-497

CITY OF ELK GROVE - SACRAMENTO COUNTY - CALIFORNIA
JULY, 2003 SCALE: 1" = 40'

BAKER-WILLIAMS ENGINEERING GROUP



TREE INDEX:

TREE NO.	RECEIPT NO.	TREE NO.	DESCRIPTION
1001	3' OAK	1014	MULTI-TRUNK 1" F.
1002	12' BARNHILL	1015	2' OAK
1003	12' MAPLE	1016	6' OAK
1004	12' MULBERRY	1017	3' OAK
1005	12' ASH	1018	MULTI-TRUNK 1" F.
1006	22' REDWOOD	1019	6' YUCCA
1007	22' REDWOOD	1020	MULTI-TRUNK 1" F.
1008	18' JUMPER	1021	2' YUCCA
1009	18' JUMPER	1022	2' YUCCA
1010	25' MAPLE	1023	6' AVOCADO
1011	25' MAPLE	1024	25' MAPLE

LEGEND:

EXISTING	PROPOSED
SHEDDY BEER SIGN	—
MANHOLE	○
STORM DRAIN	—
SEWER PILE	—
SEWER SIGN	—
SEWER VALVE	⊕
RAIN-OFF VALVE	⊕
FIRE HYDRANT ASSEMBLY	—
STREET LIGHT	⊕
STREET SIGNAGE	—
FENCE	—
ONE WAY	—
TELEPHONE CABLE	—
OVERHEAD UTILITY LINES	—
WROUGHT IRON FENCE	—

LEGAL DESCRIPTION

ALL 50% PORTION of Section 5, Township 8 North, Range 9 East, M.D.S. & M., described as follows: Beginning at a point on the fence line marking the West line of a 40' foot road along Waterman Road and the East line of Section 5, Township 8 North, Range 9 East, as shown on Official Map Sheet, filed in the office of the Recorder of Sacramento County, to South 15' of Maps, at Map No. 21, where the line is intersected by the Westerly projection of a line of fence marking the South line of Fluvio Valley Grapes Company's Colony No. 1, according to the Approved Plat thereof filed in the office of the Recorder of Sacramento County, in Book 7 of Maps, at Map No. 8, from which point the Section corner between Sections 5-6-7 & 8, Town 8 North of 15' West 2848.00 feet, and running thence 7' 4" N, 88°58' 00" W 915' 2948.00 feet, and running from said point of beginning along the Westerly projection and along the fence line marking the South line of said Fluvio Valley Grapes Company's Colony No. 1, South 89°30' East 48.00 feet to an iron pipe and continuing South 89° 30' East 527.00 feet; thence South 81° 15' West 150.00 feet; thence North 89°30' West 157.00 feet to a smaller iron pipe set at the East line of said County road, and continuing North 88°20' West 62.00 feet to a point on the East line of said Section 5, thence to the Elk Grove Street along said East line North of 15' East 185.00 feet to the point of beginning.

EXCEPTIONS REQUIRED:
1. LOT 10 WITH ON LOT 4 TO BE REDUCED TO 70 FEET
2. SEWER VALVE
3. UTILITY SIGN

OWNER:
SHERRY L. LEONARD AND TOM J. CALAHAN
8802 WATERMAN ROAD
ELK GROVE, CALIFORNIA 95624

DEVELOPER:
TOWNE DEVELOPMENT OF SACRAMENTO INC.
2/4 BILL BROWN
775 SHILOH AVE. SUITE 270
ROCKY HILL, CA 95667
PH: (916) 331-4330
FAX: (916) 331-4430

ASSASSOR'S PARCEL NUMBER:
134-110-038 & 134-110-061

EXISTING USE:
(1) EXISTING RESIDENCE
PROPOSED USE:
(1) GREAT FAMILY HOMES

EXISTING ZONING:
R2-10
PROPOSED ZONING:
R2-3
ACREAGE:
1.931 ACRES CROSS - 1.116 ACRES NET
NUMBER OF LOTS:
8

SEWER:
COUNTY OF SACRAMENTO
WATER DIVISION (916) 875-8820

WATER SUPPLY:
ELK GROVE WATER WORKS, INC. - (916) 880-8808
821 ELK GROVE BLVD. ELK GROVE, CA 95624

DRAINAGE:
SACRAMENTO COUNTY
WATER RESOURCES - (916) 440-8801

FIRE PROTECTION:
ELK GROVE COMMUNITY SERVICES DISTRICT
8825 FLORIAN PARKWAY ROAD
SACRAMENTO, CA 95828

ELECTRIC SERVICE:
SIBCO - (916) 732-5700
P.O. BOX 11808, SACRAMENTO, CA 95833

GAS SUPPLY:
P.G. & E. - (916) 386-9013
6555 FLORIAN PARKWAY ROAD
SACRAMENTO, CA 95828

TELEPHONE SERVICE:
FRONTIER COMMUNICATIONS - (916) 891-5812
1321 WEST STOCKTON BLVD.
ELK GROVE, CA 95759

SCHOOL DISTRICT:
ELK GROVE UNITED SCHOOL DISTRICT

PARK DISTRICT:
ELK GROVE COMMUNITY SERVICES DISTRICT

PROPOSED IMPROVEMENTS:
CITY OF ELK GROVE, SACRAMENTO

Tentative Subdivision Map

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	On Going			
1.	<p>The development approved by this action is for the following:</p> <ul style="list-style-type: none"> • Rezone from AR-10 to RD-5 and O • Tentative Subdivision Map creating 6 RD-5 lots; • Exception to standards: off-set cul-de-sac and elbow along Founders Way and lot depth on Lot 4 • Design Review Residential Subdivision Maps <p>This project proposal is further described in the staff report dated June 10, 2004 and associated exhibits.</p>	On-Going	Development Services-Planning	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Development Services-Planning	
3.	The Tentative Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of City Council approval.	Development Services-Planning	
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.	On-Going	Development Services-Planning	
5.	If there are any discrepancies between the approved tentative map and the conditions of	On-Going	Development Services-Public Works	

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approval, the conditions of approval shall supersede the approved tentative map.			
6. Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Development Services- Public Works	
7. Streets shall be closed to the public until Department of Public Works, Division of Traffic Engineering and the project engineer determine the appropriate traffic control devices to be installed and the devices are installed to the satisfaction of Public Works. Road closure devices shall be in place immediately and maintained in-place at all times upon completion of paving. Road closure may also require alternative accesses to both building and improvements construction traffic. The type of road closure devices shall be determined and approved by Public Works.	On-Going	Development Services- Public Works	
8. All improvements shall be dedicated, designed and constructed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	On-Going	Development Services- Public Works	
9. 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 dedicated and provided on the Final Subdivision 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	On-Going	Development Services- Public Works	

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	Standards, including any fee required by the Sacramento County Water Agency Code.			
	Prior to Improvement or Grading Plan			
10.	Comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with (1.95 acres). Until the MMRP has been recorded and the estimated MMRP fee of \$2,000 has been paid, no improvement plan or grading plan for the subject property shall be approved.	Prior to Issuance of Improvement Plan or Grading Permit	Planning	
11.	<p>In order to mitigate for the loss of Swainson's hawk foraging habitat, the applicant shall implement one of the City of Elk Grove's approved mitigation alternatives.</p> <p>The project applicant shall provide Development Services-Planning written verification that one of following mitigation measures has been implemented:</p> <ul style="list-style-type: none"> • For projects within a one-mile radius of an active nest site, the project proponent would preserve 1.0 acre of similar habitat for each acre lost. This land would be protected through a fee title or conservation easement acceptable to the California Department of Fish and Game (CDFG); OR • Prepare and implement a Swainson's hawk mitigation plan to the satisfaction of the California Department of Fish and Game that includes the preservation of Swainson's hawk 	Prior to Issuance of Grading Permit	Development Services-Planning	

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<p>foraging habitat; OR</p> <ul style="list-style-type: none"> • Submit payment of a Swainson's hawk impact mitigation fee per acre impacted to the Planning Division of the City of Elk Grove in the amount of \$3,925/acre+\$375/acre for operations cost+\$382 administration fee; OR • Should the City of Elk Grove adopt a Swainson's hawk mitigation policy or program (which may include a mitigation fee payable prior to the issuance of building permits) prior to implementation of one of the measure above, the project proponent would be subject to that program instead. 			
<p>12. The City shall retain, where feasible, all native trees larger than 6" dbh and all non-native trees larger than 19"dbh. Where possible, the following measures shall be followed to protect trees identified for preservation:</p> <ul style="list-style-type: none"> a) For trees within the project area that are designated for preservation, a circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree; b) Temporary protective fencing shall be installed at least one foot outside the 	<p>Notes on Improvement Plans</p>	<p>Development Services- Planning</p>	

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<p>driplines of the protected trees prior to initiating construction in order to avoid damage to the tree canopies and root systems;</p> <p>c) Final Grading Plans shall show all protected trees, tree numbers, and trees' protected dripline areas, and shall show the location of the required protective temporary fencing;</p> <p>d) Any protected trees on the site that require pruning shall be pruned by a certified arborist prior to the start of construction work in the area. All pruning shall be in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines;"</p> <p>e) No signs, ropes, cables (except those which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the trees. Small metallic numbering tags for the purpose of preparing tree reports and inventories shall be allowed;</p> <p>f) No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven,</p>			

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<p>parked, stockpiled or located within the driplines of oak trees;</p> <p>g) No grading (grade cuts or fills) shall be allowed within the driplines of the oak trees;</p> <p>h) Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any oak tree;</p> <p>i) No trenching shall be allowed within the dripline of oak trees. If it is absolutely necessary to install underground utilities within the dripline of an oak tree, the utility line shall be bored or jacked under the supervision of a certified arborist;</p> <p>j) The construction of impervious surfaces within the driplines of oak trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist;</p> <p>k) No sprinkler or irrigation system shall be installed in such a manner that it sprays water or requires trenching within the driplines of oak trees. An above ground drip irrigation system is</p>			

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<p>recommended;</p> <p>1) During construction try to maintain the same watering frequency around trees that they are used to receiving;</p> <p>m) Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species that shall be planted within the driplines of oak trees are those that are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants;</p> <p>n) Make sure any weed control chemicals utilized prior to laying of new asphalt are not applied where they can leach into the dripline area; and</p> <p>o) Clearing of weeds and debris from the protected dripline area shall be done by hand. Use weed eaters to remove weeds and grasses and do not disturb the natural grades within protected dripline.</p>			
<p>13. A Tree Replacement Planting Plan shall be prepared by a certified arborist or landscape architect to mitigate for the loss of native trees larger than 6" dbh and all non-native trees larger than 19" dbh that are proposed for removal, or that would be adversely</p>	<p>Prior to Approval of Improvement or Grading Plan</p>	<p>Development Services- Planning</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>affected by the project from the reconstruction of existing project features within the dripline. The Plan shall comply with the City Code and General Plan policies and be submitted to the City for review and approval. The Plan shall include the following elements:</p> <ul style="list-style-type: none"> a) Species, size and location of all replacement plantings; b) Method of irrigation; c) The City of Elk Grove Standard Tree Planting Detail L-1, including the 10-foot depth boring hole to provide for adequate drainage; c) Planting, irrigation and maintenance schedules; d) Identify the maintenance entity and include their written agreement to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement trees that do not survive that period; e) The minimum spacing for replacement oak trees shall be 20 feet on center; f) Replacement oak trees shall not be planted within 15 feet of the driplines of existing oak trees to be retained on-site, or within 15 feet of a building 			

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<p>foundation or swimming pool excavation;</p> <p>g) No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of replacement oak trees;</p> <p>h) Replacement oak trees shall be planted in areas that are well-suited for the trees' survival and growth, as determined by a certified arborist in the Tree Replacement Planting Plan. The trees shall not be planted in areas where they would be subject to the project's construction activities, such as grading (grade cuts or fills) or trenching for underground utilities within the tree's driplines after planting. The trees shall be planted in areas where water would not collect, stand within, or be diverted across the dripline of any replacement oak tree. Replacement oak trees shall not be planted in areas where they would be subject to the construction of impervious surfaces within the trees' driplines, either as part of the project or as part of future projects currently in the planning stages under the City of Elk Grove General Plan;</p> <p>i) No sprinkler or irrigation system shall be</p>			

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<p>installed in such a manner that it sprays water or requires trenching within the driplines of replacement oak trees. An above ground drip irrigation system is recommended; and</p> <p>j) Landscaping beneath replacement oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species that shall be planted within the driplines of oak trees are those that are tolerant of the natural, semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.</p>			
<p>14. During the construction phase of this project, the provisions of District Rule 403 – Fugitive Dust will apply. This rule requires that steps be taken to prevent airborne dust from traveling beyond the boundaries of the construction site. (Mitigation Measure AQ-1)</p>	<p>During Grading and Construction</p>	<p>Development Services – Public Works and SMAQMD</p>	
<p>15. Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from the SMAQMD prior to operation. The applicant, developer or operator of a project that includes an emergency generator, boiler or heater should contact the District early to determine if a permit is required and to begin the permit application process. Portable construction</p>	<p>Note on Improvement/Grading Plans</p>	<p>Development Services – Planning and SMAQMD</p>	

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<p>equipment that has an internal combustion engine with a horsepower rating greater than 50 are required to have a District permit or a California Air Resources Board portable equipment registration. Other general types of uses that require a District permit are operations that generate airborne particulate emissions (Mitigation Measure AQ-2). The above requirement shall be shown as a note on all grading and improvement plans.</p>			
<p>16. Category 1: Reducing NOx emissions from off-road diesel powered equipment. The project shall provide a plan for approval by the City of Elk Grove and SMAQMD demonstrating that the heavy duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet average; and</p> <p>The project representative shall submit to the City of Elk Grove and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no</p>	<p>Note on Improvement/Grading Plans</p>	<p>Development Services – Planning and SMAQMD</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.</p> <p>And:</p> <p>Category 2: Controlling visible emissions from off-road diesel powered equipment. The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity shall be repaired immediately, and the City of Elk Grove and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations (Mitigation Measure AQ-3). The above requirement shall be shown as a note on all grading and improvement plans.</p>			
17.	Provide calculation and layout showing drainage	Improvement Plans	Development Services-

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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.		Public Works	
18. The project shall comply with the City of Elk Grove's Land Grading and Erosion Control Ordinances.	Grading Plan / Improvement Plans	Development Services- Public Works	
19. Notice of Intent filed and SWPPP prepared.	Prior to issuance of the Grading Permit	Development Services- Public Works	
20. Proposed elbow and cul-de-sac shown on the tentative map do not conform to standards. Provide written approval of non-conforming design for these facilities from the Fire District and City's solid waste coordinator or design per standards.	Prior to or concurrent with first submittal- Improvement Plans	Development Services- Public Works	
21. Provide park land dedication and/or fees according to standards set forth in Chapter 22.40, Title 22 of the City of Elk Grove Code. Pay Park and Recreation Review Fees as required by the EGCS D.	Improvement Plans	EGCS D Parks and Recreation	
22. Land dedicated to EGCS D for corridors, parks, or trails shall be zoned "O", will be free & clear of any past or future taxes or assessments; any liens or encumbrances, and any easements not disclosed on the tentative map. Any structures, walls, fences, wells or storage tanks must be removed per Elk Grove specifications and in accordance with all applicable laws and regulations prior to the acceptance by the EGCS D of any grant deed or easement.	Improvement Plans	EGCS D Parks and Recreation	
23. Landscape corridors shall be constructed and installed in accordance with plans and specifications approved by the EGCS D and shall be consistent with the EGCS D "General Guidelines for Landscape Corridor Design" and other projects in close vicinity to	Improvement Plans	EGCS D Parks and Recreation	

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<p>the area. Corridors will be inspected by EGCS D employees and include meandering or bifurcated sidewalks, subject to EGCS D approval. Corridor widths shall be 25 feet on 2 or 4 lane roads and 36 feet on 6 lane roads. The Developer will install landscaping in the Powerline Corridor consistent with the Landscape Design Requirements for the East Elk Grove Electrical Easement.</p>			
<p>24. All landscape corridor walls shall be of masonry construction. Wall design and materials shall be subject to EGCS D approval. Graffiti resistant materials shall be used.</p>	<p>Improvement Plans</p>	<p>EGCS D Parks and Recreation</p>	
<p>25. When improvements to landscape corridors are complete, a grant deed shall be conveyed to the EGCS D for ongoing maintenance, operation, repair and replacement. Applicant shall be responsible to pay the direct cost associated with the performance of this work until such time as the EGCS D incorporates the cost of doing this work into the assessment district budget and the resulting assessments are confirmed by compliance with the balloting procedures dedicated by Proposition 218.</p>	<p>Improvement Plans</p>	<p>EGCS D Parks and Recreation</p>	
<p>26. Native & Landmark trees within land to be conveyed to the EGCS D shall be protected and preserved according to standard county tree preservation measures. Native & landmark trees to be removed shall be compensated on an inch per inch basis consistent with county tree mitigation measures. Prior to conveyance of land provide an arborist report assessing species, size, health and location of trees</p>	<p>Improvement Plans</p>	<p>EGCS D Parks and Recreation</p>	

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<p>contained on subject properties and comply with findings of report to the satisfaction of the EGCSO. All costs incurred in complying with the arborist recommendations will be the responsibility of project proponent.</p>			
<p>27. Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County 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, if applicable.</p>	<p>Note on Improvement Plans</p>	<p>Sacramento County Water Agency</p>	
<p>28. Water supply will be provided by the Sacramento County Water Agency and Elk Grove Waterworks, LLC. Metered connections on transmission mains shall be provided to the satisfaction of the agency.</p>	<p>Note on Improvement Plans</p>	<p>Sacramento County Water Agency</p>	
<p>29. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Planning Department shall be immediately notified. At that time, the Planning Department will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources code and Section 7050.5 of the State Health and Safety Code, in the event of the</p>	<p>Note on Improvement Plans</p>	<p>Development Services-Planning</p>	

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discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, adhere to the guidelines of the Native American Heritage Commission in the treatment and disposition of the remains.			
Prior to Final Map			
30. Place a statement on the Final Parcel Map that states that Waterman Road and Founders Way 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 any lot.	Note on Final Map	Development Services- Public Works	
31. Identify the required building envelope, conforming to the RD-5 standards in East Elk Grove Specific Plan, on Lot 4.	Final Map	Development Services- Planning	
32. Impact fees for CSD-1 shall be paid.	Prior to Recordation of Final Map	CSD-1	
33. Dedicate and improve Waterman Road, east half section of 36' from the approved centerline, including the necessary transitions beyond the project frontage. Sidewalks shall be separated except at intersections and driveways. Improvements will be based on 84' equivalent arterial in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Final Map	Development Services- Public Works	
34. Dedicate and improve Founders Way, for an ultimate right-of-way of 40'. Improvement will be based on 40' local residential street in accordance with the City of Elk Grove Improvement Standards and to the	Final Map	Development Services- Public Works	

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satisfaction of Public Works. Sidewalk will be constructed on the south side of Founders Court.			
35. Dedicate access rights (direct vehicular ingress and egress to Waterman Road) to the City of Elk Grove.	Final Map	Development Services-Public Works	
36. Submit a plat and property description along with the appropriate application 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.	Final Map	Development Services-Public Works	
37. Improvement plan must be approved by Public Works prior to City Council approval of Final Map.	Final Map	Development Services-Public Works	
38. The masonry wall and wrought iron fencing between Founders Court and the Masonic Lodge shall be on Lot C. The ownership and maintenance of this lot shall be proportionately conveyed between the property owners in the Newton Ranch #3 subdivision.	Final Map	Development Services-Public Works	
39. Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public street lights of ways, within this subdivision's boundary and not on Masonic Lodge's property to the south.	Final Map	Development Services-Public Works and SMUD	
40. Dedicate Lot A, the Landscape Corridor, as a public utility easement for overhead and underground facilities and appurtenances.	Final Map	Development Services-Public Works and SMUD	
41. Notice to Purchaser: The owner/developer must disclose to future/potential owners the existing or proposed 69kV electrical facilities. There is an existing 69 kV line located along Waterman Road.	Final Map	Development Services-Public Works and SMUD	
42. Label the transmission line easement as a "Restricted Building and Use Area".	Note on Final Map	Development Services-Public Works and SMUD	
43. The project area shall annex into a Mello-Roos	Prior to Final Map	Development Services-	

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Community Facilities (CFD) to fund a portion of the additional costs for police service related to serving the new development. The application fee for the annexation is due prior to the Resolution of Intention to Annex the property and Levy the Special Tax.		Finance Department	
44. The project area shall annex into Street Maintenance Assessment District No.1 to fund a portion for long-term roadway maintenance related to serving the new development. The application fee for the annexation is due prior to the Resolution of the Intention to Levy Street Maintenance Assessments.	Prior to Final Map	Development Services- Finance Department	
45. Development of Lot 4 shall be restricted to a single-story elevation and a minimum rear yard setback of 15 feet to the rear property line.	Note on Final Map	Development Services- Planning	
Prior to Building Permit			
46. The project shall pay all applicable City of Elk Grove administered development impact fees.	Prior to Building Permit Issuance	Development Services- Finance Department	
47. Improvements to Lot A and Lot B shall be designed and constructed to the satisfaction of EGCS and the City.	Prior to building Permits (design) and Occupancy (construction)	Development Services- Public Works	
48. Final Map, subdivision agreement(s) and securities completed, approved and recorded.	Prior to issuance of 1 st Building Permit	Development Services- Public Works	
49. All improvements shall be installed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Building Permits	Development Services- Public Works	
50. Each parcel shall a separate connection to the public sewer system to the satisfaction of CSD-1. Sacramento County Improvement Standards shall apply to sewer construction. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk	Prior to Building Permit Issuance	CSD-1	

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at 876-6100 for sewer impact fee information.			
51. The project developer/owner shall pay Zone 40 development fees in accordance with Sacramento County Water Agency Ordinance No.18	Prior to Building Permit Issuance	Sacramento County Water Agency	
52. The project shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance to the satisfaction of the City's Landscape /Oak Tree Coordinator.	Prior to Building Permit Issuance	Sacramento County Water Agency	
Prior to Encroachment Permit			
53. All tie-ins to existing City Streets or connections to City Facilities shall require an encroachment permit by the owner's contractors. At that time the curb, gutter, sidewalk and all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.	Encroachment Permit	Development Services-Public Works	
Prior to Occupancy			
54. Submit flood elevation certification for each structure.	Prior to Occupancy	Development Services-Public Works	
55. Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Occupancy	Development Services-Public Works	

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-182

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 21st day of July 2004 by the following vote:


AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





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