

RESOLUTION NO. 2010-150

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A TENTATIVE PARCEL MAP FOR THE BAKEY PARCEL MAP
PROJECT NO. EG-10-026; ASSESSOR PARCEL NUMBER: 127-0008-020**

WHEREAS, the Planning Department of the City of Elk Grove received an application from Gardner and Associates (hereinafter referred to as the Applicant) on April 16, 2010, for a Rezone from AR-5 (Agricultural/Residential – minimum 5 acre) to AR-2 (Agricultural/Residential – minimum 2 acre) and a Tentative Parcel Map to split a 10.46-acre (gross) parcel into four parcels hereinafter referred to as the Bakey Parcel Map Project (EG-10-026) (Project); and

WHEREAS, the Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor Parcel Number: 127-0008-020; and

WHEREAS, the proposed tentative parcel map and associated site improvements are consistent with the Rezone requested through this project; and

WHEREAS, the site is physically suitable for rural residential development. The General Plan land use map has anticipated the site for rural residential development. Conditions of approval have further been incorporated to ensure that access to all public facilities and services is maintained for each proposed parcel; and

WHEREAS, the site is appropriate for the proposed agricultural residential development consisting of a density of 0.5 dwelling units per acre. Furthermore, all proposed parcels meet the site's underlying development standards and will be adequately served by the proposed and conditioned public services and infrastructure; and

WHEREAS, the proposed parcel map will not cause serious public health problems. The Project has been reviewed by various local agencies, including the Cosumnes Community Services District Fire Department, Sacramento County Water Agency, Public Works, Planning, Police, Sacramento Area Sewer District, and Code Enforcement, for conformance to applicable policies and regulations. Comments and requirements have been addressed or incorporated as conditions of approval to ensure protection of public health, welfare, and safety; and

WHEREAS, no conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified; and

WHEREAS, the Project is exempt from California Environmental Quality Act (CEQA) review pursuant to §15183 of the CEQA Guidelines of Title 14 of the California Code of Regulations; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on June 17, 2010 and recommended City Council approval of the project; 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 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 Parcel Map subject to the conditions of approval contained in Exhibit A and as illustrated Exhibit B, incorporated herein by this reference.

Finding: None of the findings (a) through (g) in Section 66474 of the California Subdivision Map Act that require a City to deny approval of the proposed tentative maps apply to this project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of July 2010.



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, INTERIM 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>
On-Going			
<p>1. The development approved by this action is for a Tentative Parcel map as depicted in the July 14, 2010 City Council staff report and illustrated in the following project plans:</p> <ul style="list-style-type: none"> • Tentative Parcel Map dated May 26, 2010 <p>Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
<p>2. The Tentative Parcel Map shall become effective after a ten (10) day appeal period and the effective date of the Rezone. In the event of an appeal, this permit shall be withheld pending the outcome.</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	
<p>4. This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	On-Going	Planning	
<p>5. The tentative parcel map is valid for 36 months from the date of approval.</p>	36 Months from the date of City Council Approval	Planning	
<p>6. No future driveways shall be permitted along Pleasant Grove School Road. Dedicate Access rights (direct</p>	On-Going	Public Works	

	<u>Conditions of Approval</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>	<u>Verification (date and Signature)</u>
	vehicular ingress and egress to Pleasant Grove School Road) to the City of Elk Grove, except for the existing driveways and the proposed 20' driveway as shown on the tentative parcel map.			
	Prior to Improvement Plans/Grading/Construction			
7.	The following shall be required as notes on all improvement plans, grading plans, and construction plans:	Shown on improvement plans, grading plans, and construction plans	Planning	
	<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 be followed." 			
8.	Dedicate a 12.5 foot public utility easement for underground and/or overhead facilities and appurtenances adjacent to public streets.	Final Map	Public Works	
9.	The Applicant shall dedicate the northerly half section of Pleasant Grove School Road, 30' from the approved centerline.	Final Map	Public Works	
10.	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.	Final Map	Public Works	
11.	Final Map shall be completed, approved and recorded	Final Map	Public Works	

	<u>Conditions of Approval</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>prior to 1st building permit for any new homes.</p> <p>The Applicant shall place the following notes on the final parcel map:</p> <p>"The driveway on Pleasant Grove School Road shall be designed and constructed in accordance with Section 4-10 of the City of Elk Grove Improvement Standards prior to issuance of any permit or other grant of approval for development of any parcel shown here on."</p>	Final Map	Public Works	
12.	<p>Prior to the first of either final map or building permit, 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 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/Building Permit	Finance	
13.				
14.	<p>Prior to the first of either final map or building permit, 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.</p>	Final map/Building Permit	Finance	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	For further information regarding this CFD, see http://www.elkgrovecity.org/finance/cfd-information.asp .			
15.	Prior to 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 information on this District, see http://www.elkgrovecity.org/finance/assessment-other-dist-info.asp .	Final map	Finance	
16.	The Applicant shall dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways back of walk.	Final Map	SMUD	
<u>Prior to Building Permit</u>				
17.	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.	Prior to permit issuance	Cosumnes CSD Fire Department	
18.	Fire apparatus access roads shall be provided for all buildings to within 150 feet to the furthest point of the	Prior to permit issuance	Cosumnes CSD Fire Department	

<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>building as measured by an approved route.</p> <p>19. Access roads/driveways serving more than two dwelling units shall be paved a minimum of 20 feet wide and marked NO PARKING FIRE LANE in accordance with the 2007 California Fire Code. Roads/driveways shall be paved, capable of supporting 65,000 gross vehicle weight and provide a fire department turnaround in accordance with Cosumnes CSD Fire Department Standards.</p>	<p>Prior to permit issuance</p>	<p>Cosumnes CSD Fire Department</p>	
<p>20. 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 2010 Development Related Fee Booklet at: http://www.elkgrovecity.org/finance/drf.asp. 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 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.</p>	<p>Building Permit</p>	<p>Finance</p>	
<p>21. Prior to the issuance of building permits, the applicant shall pay the Surface Water Component Fee for Private Wells as outlined in Title 4, Section 4.45.005 of the Sacramento County Water Agency (SCWA) Code.</p>	<p>Building Permit</p>	<p>SCWA</p>	
<p>22. The applicant shall construct water wells in the Mehrten Formation with sanitary seals extended to just above the intake sections of the wells.</p>	<p>Building Permit</p>	<p>SCWA</p>	
<p>23. Test all water wells for arsenic at the time of construction.</p>	<p>Building Permit</p>	<p>SCWA</p>	
<p>24. The property owners shall participate in future groundwater management and well protection</p>	<p>Building Permit/On-Going Permit</p>	<p>SCWA SCWA</p>	

<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>programs adopted by the Sacramento County Water Agency that are applied uniformly throughout Zone 40.</p>			

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 appropriate development fees charged by the City and other Special Districts providing services to the site. (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. Dead-end streets in excess of 150 feet require emergency vehicle turn-around.
7. Any and all gates impeding fire lanes or roadways shall comply with Appendix D of the 2007 City of Elk Grove Fire Code.
8. If homes exceeding 3,600 square feet (including garages and covered porches) will be built in this subdivision, additional fire flow analysis of the water system must be conducted. Single-family dwellings 3,601 square feet to 4,800 square feet require 1,750 gpm. Homes 4,801 square feet to 6,200 square feet require 2,000 gpm.
9. An approved automatic fire sprinkler system shall be 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 square feet and/or the total livable area (area not including garages and attached solid roof canopies) exceeds 4,999 square feet.
10. As of February 1, 2003, all contractors for single-family homes and duplexes (R-3 Occupancies) shall provide an option for residential fire sprinklers. Prior to the prospective buyer signing a sales contract, the contractor or their agent shall obtain from the Fire Department an informational packet containing education materials approved by the fire department, including a form explaining the option for residential sprinklers. The contractor or their agent shall provide the approved informational packet to any and all prospective buyers and require the execution of signed receipt for the educational material from the prospective buyer. The contractor shall install residential fire sprinklers upon the request and execution of a purchase agreement by the homebuyer. Fire sprinkler systems for single-family homes and duplexes shall be designed and installed to not less than the minimum requirements contained in NFPA 13D, 1996 edition.

11. 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. Fire sprinkler plans shall be submitted to the fire department for review and approval.

12. 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 submit an electronic copy of the complete plan as it appears in the approved printed plans with addresses. All electronic formats will be submitted on Windows/DOS formatted diskettes, zip disks or on compact disk (CD). E-mailed copies will not be accepted at this time. Electronic formats can be submitted in either of the following data transfer formats listed below:

DXF (Drawing Interchange file) any DXF version is accepted
DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted

13. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans.

14. 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.

11. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Cosumnes CSD Fire Department and the water purveyor having jurisdiction.

12. 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.

13. 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.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-150**

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

I, Jason Lindgren, Interim 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 July 14, 2010 by the following vote:

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

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


**Jason Lindgren, Interim City Clerk
City of Elk Grove, California**