

RESOLUTION NO. 2019-132

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO
STATE CEQA GUIDELINES SECTION 15183 AND APPROVING THE TENTATIVE
PARCEL MAP FOR THE TANKERSLEY PARCEL MAP PROJECT (PLNG19-006):
ASSESSOR PARCEL NUMBER 127-0080-064**

WHEREAS, the Development Services Department of the City of Elk Grove (the “City”) received an application on January 30, 2019, from Conti & Associates, Inc. (“Agent/Surveyor”) requesting a Rezone and Tentative Parcel Map for the Tankersley Parcel Map Project PLNG19-006 (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 APN 127-0080-064; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000 et seq.; and

WHEREAS, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the California Code of Regulations, Title 14 (“State CEQA Guidelines”) states that no further environmental review is required under CEQA for projects where no subsequent EIR or Negative Declaration is required because no new significant effects and no new information of substantial importance have been identified by the lead agency (City); and

WHEREAS, based on staff’s review of the Project, no further environmental review is required as the request is consistent with the site’s General Plan Rural Residential designation and land use policies and no special circumstances exist that would create a reasonable possibility that the Project will have a significant effect on the environment beyond what was previously analyzed as part of the General Plan Environmental Impact Report (EIR); and

WHEREAS, the Development Services Department considered the Project request pursuant to the Elk Grove General Plan; the Elk Grove Municipal Code (EGMC) Title 22 (Land Development) and Title 23 (Zoning Code); the Elk Grove Design Guidelines, and all other applicable state and local regulations; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on June 6, 2019, 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, and voted 3-0 (two Commissioners absent) to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on June 26, 2019, 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 finds that no further environmental review is required for the Project under CEQA Guidelines pursuant to State CEQA Guidelines Sections 15183 based upon the following finding:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required for the Project under CEQA pursuant to State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Evidence: CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (State CEQA Guidelines Section 15378). The proposed Project is a project under CEQA.

State CEQA Guidelines Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (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 prepared and certified by the City Council as part of the Elk Grove General Plan (SCH# 2017062058).

The proposed Project is consistent with the development density established by the General Plan EIR because the parcel split will result in new parcels over two acres in size at a density consistent with the rural area range of 0.1 to 0.5 units per acre. While there is no physical construction proposed with this Project, buildout consistent with the EGMC and the proposed rezone would likely result in the development of one, new single-family residential unit on the Project site. New construction on the Project site will comply with EGMC development standards for land grading and erosion control (Chapter 16.44), tree protection (Chapter 19.12), Swainson’s hawk surveys and possible mitigation (Chapter 16.130), in addition to other pre-construction surveys as defined by the General Plan EIR. Compliance with these standards has been included in the conditions of approval for the Project. No additional impacts to on-site resources have been identified beyond what was envisioned in the General Plan EIR. Therefore, no further environmental analysis is required as the proposed Tentative Parcel Map and Rezone are consistent with the General Plan and zoning designations. Future construction of the new residential lot would be subject to development measures under the EGMC and existing General Plan Mitigation Monitoring and Reporting Program (MMRP).

AND BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby approves a Tentative Parcel Map for the Project as described in Exhibit A and illustrated in Exhibit B, 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:

For items a-g above, the proposed Project is consistent with the General Plan Rural Residential (RR) designation as the rezone from AR-5 to AR-2 will still maintain minimum two-acre parcel sizes as required by the General Plan. The proposed subdivision design, lot sizes, and lot configurations are consistent with the EGMC development standards for rural residential lot configuration. Access to the new parcels is currently available through the existing roadways and necessary services and facilities can be provided. Additionally, the design of the subdivision and its proposed improvements are not likely to cause substantial environmental damage, substantially injure fish, wildlife or their habitat, and will not cause serious public health problems. Therefore, the site is physically suitable for the development as the Project is consistent with the rural residential requirements and has been conditioned to comply with all applicable development standards.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of June 2019




PATRICK HUME, VICE MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



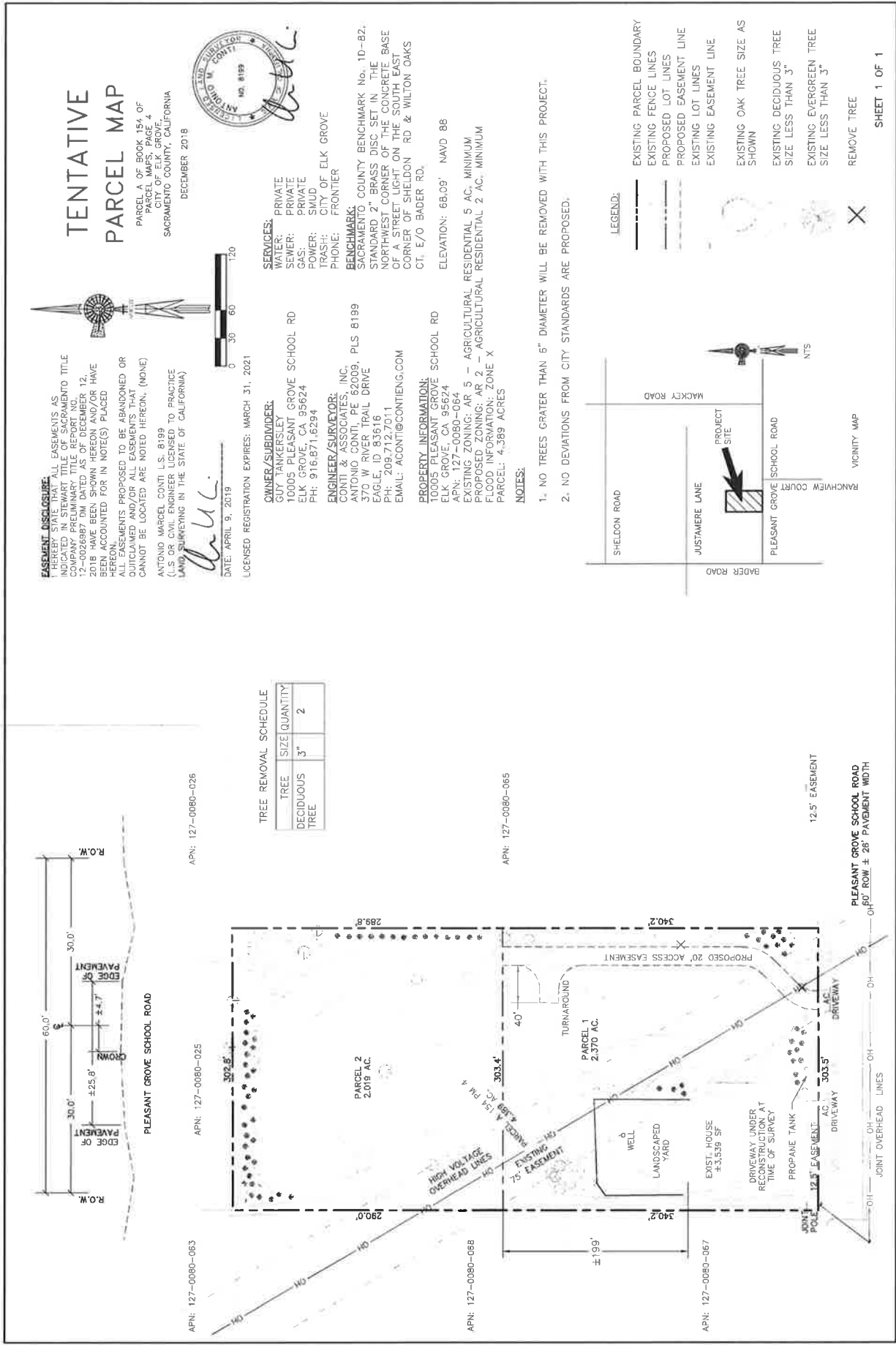
JONATHAN P. HOBBS
CITY ATTORNEY

Exhibit A
Tankersley Parcel Map Project (PLNG19-006)
Project Description

PROJECT DESCRIPTION

The Project consists of a Rezone of the ±4.39-acre (gross) subject parcel from Agricultural Residential 5-acre minimum (AR-5) to Agricultural Residential 2-acre minimum (AR-2) and a Tentative Parcel Map to subdivide the parcel into two lots. The existing parcel will be divided into the following new parcels: Parcel 1 (±2.37 acres); and Parcel 2 (±2.02 acres).

EXHIBIT B



**Exhibit C
Tankersley Parcel Map Project (PLNG19-006)
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.	Development and operation of the proposed Project shall be consistent with the Project Description and Project Plans as provided in Exhibits A and B, incorporated herein by this reference. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Planning			
2.	This action does not relieve the Applicant of the obligation to comply with all applicable federal, state and local ordinances, statutes, regulations, and procedures.	On-Going	Planning			
3.	The Applicant/Owner or Successors in Interest (hereinafter referred to as the "Applicant") shall indemnify, protect, defend, and hold harmless the City, its officers, officials, agents, employees, and volunteers from and against any and all claims, damages, demands, liability, costs, losses or expenses including without limitation court costs, reasonable attorney's fees and expert witness fees arising out of this Project including challenging the validity of this application/permit or any environmental or other documentation related to approval of this Application.	On-Going	Planning			
4.	As to any fee, dedication, reservation or exaction established by these conditions of approval that are subject to the Mitigation Fee Act, notice is hereby given pursuant to California Government Code Section 66020(d) that the 90-day period in which you may protest the fees set forth herein has begun to run as of the date of approval of this Project. Other limitations periods may apply. The City reserves all rights.	On-Going	Planning			

	<u>Conditions of Approval</u>	<u>Timing / Implementation</u>	<u>Enforcement / Monitoring</u>	<u>Verification (date and Signature)</u>
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, specifically including but not limited to the following:</p> <ul style="list-style-type: none"> • Elk Grove Rural Road Improvement Standards • Elk Grove Zoning Code (Title 23 of the EGMC) • EGMC Chapter 19.12 (Tree Preservation and Protection) • EGMC Title 16 (Building and Construction) • EGMC Title 22 (Land Development) 	On-Going	Planning	
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 the City.</p>	On-Going	Planning Engineering SCWA SASD 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, Elk Grove Water District, Sacramento County Environmental Management and other agencies or services providers as established by law.</p>	On-Going	Planning Engineering CCSD SCWA EGWD	
8.	<p>Approval of this Project does not relieve the Applicant from the 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 Plans • Building Permit and Certificate of Occupancy • Requirements of the Sacramento Metropolitan Air Quality Management District • Fire Department Review for permits and/or occupancy 	On-Going	Planning Engineering Building CCSD SCWA EGWD	

<u>Conditions of Approval</u>		<u>Timing / Implementation</u>	<u>Enforcement / Monitoring</u>	<u>Verification (date and Signature)</u>
9.	<p>The Tentative Parcel Map approval is valid for three (3) years from the date of Planning Commission 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 approval	Planning Engineering	
10.	<p>The Planning Division shall be notified immediately if any prehistoric, archaeological, or paleontologic 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.</p> <p>A note stating the above shall be placed on the Improvement Plans.</p>	On-Going and Prior to Improvement Plans or Grading Permit(s), whichever occurs first. Monitoring shall be On-Going	Planning	
11.	<p>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.</p> <p>A note stating the above shall be placed on the Improvement Plans.</p>	On-Going and Prior to Improvement Plans or Grading Permit(s), whichever occurs first. Monitoring shall be On-Going	Planning	

	<u>Conditions of Approval</u>	<u>Timing / Implementation</u>	<u>Enforcement / Monitoring</u>	<u>Verification (date and Signature)</u>
12.	Construction measures for new homes and/or on-site work shall be subject to the local requirements for land disturbance. This includes compliance with Elk Grove Municipal Code requirements for Land Grading and Erosion Control (Chapter 16.44) and Tree Preservation and Protection (Chapter 19.12).	On-Going and Prior to Improvement Plans or Grading Permit(s), whichever occurs first.	Planning	
13.	Construction measures for new homes and/or on-site work shall be subject to the local requirements for land disturbance. This includes compliance with the Elk Grove Municipal Code and pre-construction surveys from a qualified biologist for nesting raptors and other birds prior to tree removal or earth moving activities associated with construction. If any evidence of Swainson's hawk is found as a result of the pre-construction surveys, or if it is found that the subject site is suitable foraging habitat, the Applicant shall comply with the mitigation measures set forth in Elk Grove Municipal Code Chapter 16.130.	On-Going and Prior to Improvement Plans or Grading Permit(s), whichever occurs first.	Planning	
14.	Construction requiring new septic and well systems must be reviewed and approved by the Sacramento County Environmental Management Department (SCEMD) prior to issuance of improvement plans or building permit, whichever comes first.	On-Going and Prior to Improvement Plans or Grading Permit(s), whichever occurs first.	SCEMD	

<u>Conditions of Approval</u>		<u>Timing / Implementation</u>	<u>Enforcement / Monitoring</u>	<u>Verification (date and Signature)</u>
15.	New construction for utilities must be reviewed and approved by the Sacramento Municipal Utility District (SMUD) prior to issuance of improvement plans or building permit, whichever comes first.	On-Going and Prior to Improvement Plans or Grading Permit(s), whichever occurs first.	SMUD	
16.	The Final Parcel Map shall be completed, approved, and recorded prior to issuance of the 1st building permit.	Prior to 1st Building Permit on new parcels	Planning	
PRIOR TO FINAL MAP APPROVAL				
17.	The Applicant shall dedicate an access easement on the proposed Parcel 1 to access all parcels from Pleasant Grove School Road in accordance with the Improvement Standards and to the satisfaction of the City and the Cosumnes Community Services District Fire Department. The Applicant shall design and construct an access easement/driveway to access the new parcels from Pleasant Grove School Road. Improvements related to the easement shall be in accordance with the Improvement Standards and to the satisfaction of the City and the Cosumnes Community Services District (CCSD) Fire Department. The Applicant may defer the design and construction of the easement to issuance of the first building permit on any parcel by entering into a Deferred Improvement Agreement with the City prior to approval of the Final Map.	Final Map	Engineering	
18.	The Applicant shall dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public streets abutting the Project site with ultimate right-of-way.	Final Map	Engineering	

	<u>Conditions of Approval</u>	<u>Timing / Implementation</u>	<u>Enforcement / Monitoring</u>	<u>Verification (date and Signature)</u>
19.	<p>Prior to the recording of a final parcel 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 months, so Applicants should plan accordingly. The application fee and completed application 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/city_hall/departments_divisions/finance/mello_roos_cfds/</p>	Final Map	Finance	
20.	<p>Prior to the recording of a final parcel map, the Project area shall annex into the Police Services 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 and completed application 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/city_hall/departments_divisions/finance/mello_roos_cfds/.</p>	Final Map	Finance	

	<u>Conditions of Approval</u>	<u>Timing / Implementation</u>	<u>Enforcement / Monitoring</u>	<u>Verification (date and Signature)</u>
21.	<p>Prior to the recording of a final parcel 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 and completed application 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/city_hall/departments_divisions/finance/mello_roos_cfds/assessment_other_district_information/</p>	Final Map	Finance	
22.	<p>Prior to the recording of a final parcel map, the Project area shall annex 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 completed application 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.codepublishing.com/CA/elkgrove#!/ElkGrove15/ElkGrove1510.html#15.10.</p>	Final Map	Finance	

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-132

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

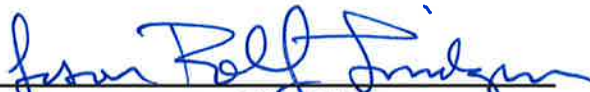
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 26, 2019 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Ly, Nguyen*



Jason Lindgren, City Clerk
City of Elk Grove, California