

ORDINANCE NO. 26-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE REZONE FOR CROOKED CREEK ESTATES EAST (EG 15-050)

WHEREAS, the East Elk Grove Specific Plan (EEGSP) was originally adopted by the County of Sacramento in February 1996 (Resolution #96-0115) with 1,400 acres for residential, commercial, light industrial, office, schools, parks, and open space bounded by Bond, Waterman, Grant Line and Bradshaw Roads; and

WHEREAS, the City of Elk Grove became the land use authority upon incorporation in 2000 and has since approved several amendments to the EEGSP to reconfigure land uses as well as subsequent entitlements required for development within the project area (e.g., tentative subdivision maps); and

WHEREAS, in January 2005, the City Council approved an amendment to the EEGSP for Crooked Creek Estates (EG-03-099) to reconfigure and rezone land, and to approve a tentative subdivision map and design review for 78 single family residential lots, a park, a school, and open space; and

WHEREAS, the tentative subdivision map for Crooked Creek Estates, including all discretionary and statutory extensions, will expire on January 17, 2017; and

WHEREAS, in January 2014, the City Council approved tentative maps for the Fieldstone North Project (EG 13-004) including the option to transfer five acres of park land from Crooked Creek Estates to Fieldstone North for the continuation of Derr Okamoto Park as a larger community park site. The Cosumnes Community Services District exercised that option by purchasing the open space land in Fieldstone North, which resulted in the reduction of 26 single family lots within the Fieldstone North subdivision; and

WHEREAS, the proposed land use changes and new tentative subdivision map for Crooked Creek Estates East (Project) complete the transfer of park and open space land previously approved by City Council for Fieldstone North; and

WHEREAS, the proposed Rezone will change the City's zoning district of Single-Family Residential-4 du/ac (RD-4) to Single-Family Residential-5 du/ac (RD-5), and will rearrange the acreages and boundaries of the Project site's zoning designations that also includes Open Space (O) consistent with the General Plan land use designations and EEGSP designations as shown in Exhibit A; and

WHEREAS, the City determined that the Project is subject to the California Environmental Quality Act (CEQA); and

WHEREAS, State CEQA Guidelines Section 15162 identifies that projects consistent with a general plan for which an environmental impact report was certified are exempt from CEQA; and

WHEREAS, an Environmental Impact Report was prepared and certified for the East Elk Grove Specific Plan as part of its adoption in 1995 (SCH #94112053) and Mitigated Negative Declarations were prepared for both the Crooked Creek Estates (EG 03-099) original tentative map approval and the Fieldstone North (EG 14-003) tentative map approval including the option to transfer five acres of park land; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 17, 2016, as required by law to consider all of the information presented by staff, property owners, and public testimony presented at the meeting and recommended by a vote of 4-0 that the City Council approve the Rezone;

WHEREAS, the City Council held a duly noticed public hearing on December 14, 2016, as required by law to consider all of the information presented by staff, property owners, and public testimony presented at the meeting; and

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to rezone land within Crooked Creek Estates East from Single-Family Residential-4 du/ac (RD-4) to Single-Family Residential-5 du/ac (RD-5), and to rearrange the acreages and boundaries of the Project site's zoning designations that also includes Open Space (O) consistent with the General Plan land use designations and EEGSP designations as shown in Exhibit A.

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required under the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15162.

Evidence: The proposed project is exempt from CEQA under to CEQA Guidelines Section 15162. This exemption applies to projects that are consistent with a General Plan for which an environmental impact report (EIR) was prepared. An EIR was prepared and certified for the East Elk Grove Specific Plan (EEGSP) as part of its adoption in 1995 (SCH #94112053). Additionally, an Initial Study and Mitigated Negative Declaration was prepared for the Crooked Creek Estates Project (EG 03-099) and Fieldstone North Project (EG13-044), including consideration of the park land transfer. The proposed Project is consistent with the Mitigated Negative Declarations and EEGSP EIR. Therefore, this project qualifies for the identified exemption and no further environmental review is required.

Rezone

Finding: The proposed Zoning Map Amendment is consistent with the General Plan goals, policies, and implementation programs and the EEGSP.

Evidence: The proposed zoning districts and densities of RD-5 and Open Space proposed are consistent with the General Plan land use designations of Low Density Residential and Open Space. Additionally, the proposed zoning is consistent with the allowed density within in EEGSP unit allocation with the addition of 26 units of surplus units for the Project over the original allocation of 93 units and 43 surplus units above the previously-approved 78 units. The remaining surplus units for EEGSP will be 122 units.

Section 3: Action

The City Council hereby approves the rezoning of property within Crooked Creek Estates East from Single-Family Residential-4 du/ac (RD-4) to Single-Family Residential-5 du/ac (RD-5), and approves the rearranging of the acreages and boundaries of the Project site's zoning designations that also includes Open Space (O) consistent with the General Plan land use designations and EEGSP designations as shown in Exhibit A.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally

incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication

This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 26-2016
INTRODUCED: December 14, 2016
ADOPTED: January 11, 2017
EFFECTIVE: February 10, 2017




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

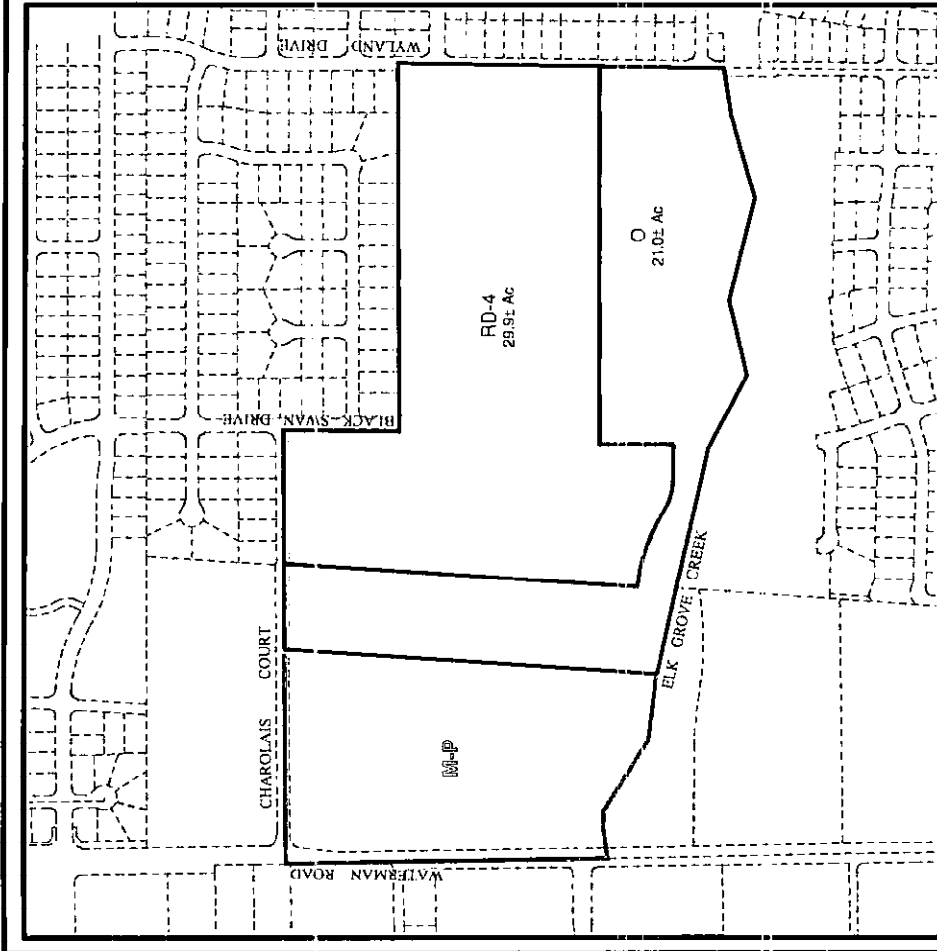
APPROVED AS TO FORM:



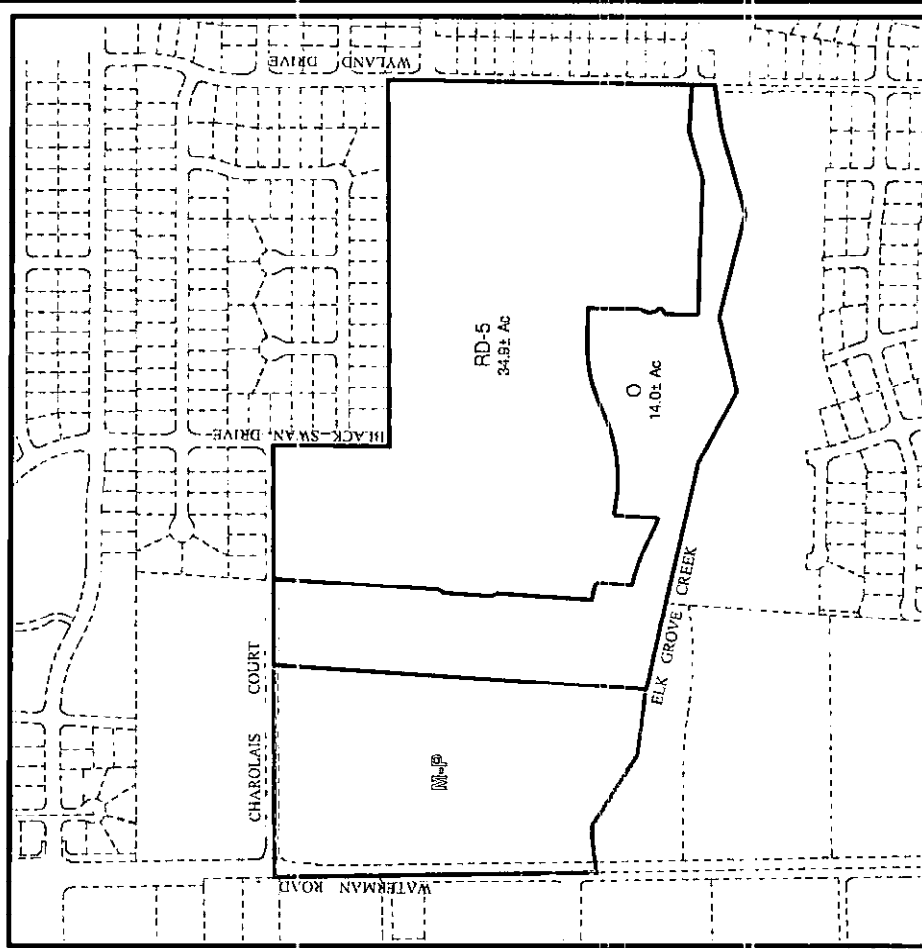
JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: January 19, 2017

EXHIBIT A



Existing Zoning

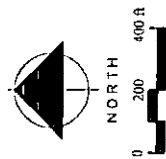


Proposed Zoning

ZONING SUMMARY			
Zone	Existing Acres	Proposed Acres	Delta
RD-4	29.9±	0.0	-29.9±
RD-5	0.0	34.9±	34.9±
O	0.0	14.0±	14.0±
TOTAL	50.9±	50.9±	0.0

Rezone Exhibit
CROOKED CREEK ESTATES EAST

City of Elk Grove, California
 April 1, 2016



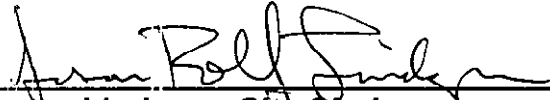
**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 26-2016**

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 ordinance, published and posted in compliance with State law, was duly introduced on December 14, 2016 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 11, 2017 by the following vote:

AYES : **COUNCILMEMBERS:** Ly, Detrick, Hume, Suen
NOES: **COUNCILMEMBERS:** None
ABSTAIN: **COUNCILMEMBERS:** None
ABSENT: **COUNCILMEMBERS:** None

A summary of the ordinance was published pursuant to GC 36933(c) (1).



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