

# **SECTION 7.0 IMPLEMENTATION/ ADMINISTRATION**

This section describes mechanisms for implementing the Specific Plan, and should be consulted whenever there is a question concerning how the Plan functions. The topics addressed in this section are:

- Plan review and administrative procedures,
- Use of development agreements,
- Plan admendment procedures,
- Enforcement mechanisms and processes, and
- Relationship of the Specific Plan to mitigation monitoring adopted in the Specific Plan EIR.

## **7.1 PLAN REVIEW PROCEDURES**

### **7.1.1 Planning Department Review**

The Specific Plan represents the "master plan" for the East Franklin Plan area. Subsequent to adoption of the Specific Plan, individual project applications will be reviewed to determine consistency with the Specific Plan and other regulatory documents.

Development applications will be submitted directly to the Planning Department. The Planning Department will conduct an initial review of the application for completeness and consistency with the adopted Specific Plan. The Planning Department will then forward the project application to the Department of Environmental Review and Assessment (DERA) which then reviews the application from an environmental perspective.

Both reviews must be completed within thirty days of receipt of the application. The applicant will be advised by DERA of any application deficiencies that must be rectified to deem the application complete. If the applicant feels that an amendment to the Specific Plan is warranted an amendment to the Specific Plan may be requested. The request must provide adequate justification. For specific amendment procedures, refer to the Amendment Procedures described in Section 7.3.

### **7.1.2 Environmental Review**

In addition to project consistency with an adopted Specific Plan, any individual project application will be reviewed by DERA to determine if the necessary information has been provided to determine consistency with California Environmental Quality Act (CEQA) requirements. The Environmental Impact Report (EIR) prepared for the East Franklin Specific Plan will serve as the "master" environmental assessment document for development within the Plan area. Individual project applications will be reviewed for strict consistency with the Specific Plan EIR. If strict consistency is determined and the project meets the criteria established in Section 15182 of the CEQA guidelines, DERA may determine that a separate environmental document is not required and other appropriate environmental documentation would be prepared. In all other cases, DERA shall process the application for preparation of an environmental document pursuant to established procedures.

In some cases, individual project applications may require additional environmental information beyond what was provided for the Specific Plan environmental document. For example, a more detailed wetlands delineation may be required for an individual project application. Upon review of this additional information, DERA will make a determination as to whether or not the more detailed information provides evidence that the proposed individual project will cause more significant environmental impacts beyond the scope originally anticipated during the master program analysis. If DERA determines that there would be environmental impacts beyond the scope of the original study, further environmental review and a separate environmental document may be required. Conversely, DERA may make a determination that the additional information does not raise new environmental issues and is within the scope of the original study, then an EIR will not be required and a Negative Declaration or reference to a prior document will be used to meet CEQA requirements.

Applications such as tentative maps, commercial development plans, use permits, variances and the like, will be reviewed using established Planning Department procedures. Special consideration should be given to the review of commercial development plans, particularly with respect to consistency with the overall design theme set forth in the Specific Plan design guidelines, and with General Plan goals and objectives.

The foregoing discussion details the initial project review and environmental review submittal procedures. Projects submitted for consideration will be reviewed for consistency with any development standards, design guidelines, mitigation measures and other applicable conditions of approval which were adopted as part of the Specific Plan.

## **7.2 DEVELOPMENT AGREEMENTS**

Subject to the provisions of this Specific Plan, the property owners and the County may execute Development Agreements in accordance with Government Code and local ordinance. The Development Agreements will set forth the infrastructure improvements, public dedication requirements, landscaping amenities, and other contributions to be

made by a property owner in return for guarantees by the County that certain land uses and densities in effect at the time of execution of the agreement will not be modified.

### **7.3 AMENDMENT PROCEDURES**

Large project specific plans are adopted in a dynamic development environment, often with lengthy buildout horizons. Situations may arise where amendments to the adopted Specific Plan can be considered because of changing circumstances beyond the control of the Specific Plan. Additionally, because of unforeseen circumstances, some design guidelines or development standards may not be feasible on a particular parcel. In these situations, the procedures listed below will be followed to amend the adopted Specific Plan.

#### **7.3.1 Applicants**

Typically, amendments to a Specific Plan will be requested by property owners. There may also be circumstances where the County may wish to request an amendment to the Plan. For example, the County may propose an amendment to the Plan to address shifting land use patterns outside the Plan area or changing demographics.

Applications for amendments submitted by property owners shall be accompanied by a Specific Plan processing fee to be determined by the County Board of Supervisors. This fee would be in addition to existing fees for accompanying development applications.

#### **7.3.2 Scope of Amendment**

Amendments to an adopted Specific Plan should be categorized as either minor or major. This determination is to be made by the Planning Director or his/her designee. Those amendments considered major will be processed as set forth in Section 7.3.3. Minor amendments can be reviewed and acted upon by the Planning Director with no Planning Commission or Board review, unless appealed by the applicant. Section 7.3.4. of this Plan sets forth the procedures for minor amendment review. Amendments to the Specific Plan can include, but are not limited to, changing land use designations, design criteria, development standards or policies. The Planning Director shall determine the limits and acceptability of any proposed amendment to the Specific Plan.

#### **7.3.3 Major Amendments**

Applications for major amendments to the adopted Specific Plan shall conform to the requirements set forth in the Specific Plan Ordinance and Procedures and Preparation Guide, Chapter 21.14 of the Sacramento County Code. The materials and documents necessary to process a major amendment application should be consistent with those outlined in the Specific Plan Ordinance (Chapter 21.14 of the Sacramento County Code), Section 21.14.060. A detailed justification statement shall be submitted which explains in detail why an amendment to the Specific Plan is warranted. All requirements of CEQA will be applicable.

The Specific Plan processing fee, as previously mentioned, shall be submitted to cover all processing costs. Major amendments require Board of Supervisors approval, with a recommendation forwarded by the Policy Planning Commission.

A major amendment to the Plan is required when:

- A new type of land use not specifically discussed in this Specific Plan is introduced.
- Changes to the distribution of land uses or other changes affecting land use.
- Significant changes to the street circulation system that would alter the land use or circulation concepts set forth in this Specific Plan.
- Changes to design guidelines and/or development standards which, if adopted, would substantially change the physical character of the Plan area as envisioned by the Specific Plan.
- Any change to the Plan which could alter previously identified environmental impacts.

#### **7.3.4 Minor Amendments**

An amendment to the Plan is considered minor when it is determined that the amendment does not have a significant impact on the character of the Plan. Minor amendments to the Plan specifically include the application and development standards (e.g., setbacks, lot size, frontage) within the Plan and the interpretation and implementing of design guidelines. Minor amendments may be addressed administratively, or may require public notification, hearings, and approval by an appropriate authority.

##### Minor Amendment - Administrative

The Planning Director has the authority to grant a minor amendment to the Plan as an administrative matter. The Director's authority extends to the review of the initial project only, and is valid up until the issuance of the first building permit for any parcel that is created consistent with the Specific Plan.

##### Minor Amendment - Formal Review

After issuance of the first building permit for a parcel, a minor amendment to the Plan shall be subject to the review and approval of the Zoning Administrator. Property developers who desire to process a proposal for a minor amendment shall submit the appropriate application to the Planning Department. The submittal shall include:

- A detailed description of the requested amendment,
- A justification statement,

- Application processing fee, and
- Specific Plan Amendment processing fee.

Decisions of the Planning Director and Zoning Administrator may be appealed to the appropriate review authority in accordance with standard appeal procedures.

#### **7.4 ENFORCEMENT**

The Specific Plan includes a considerable number of development regulations and environmental mitigation measures. Assurances must be made that adequate enforcement mechanisms are in place to ensure that all adopted regulations and mitigation measures are adhered to. If a field inspection is conducted and a particular requirement has not been satisfactorily completed, or site development activities have been undertaken that are not performed as mandated in the Specific Plan and EIR, County staff may ensure completion or correction of the development activity through actions including, but not limited to, the following:

- Meeting with the project proponent to negotiate timing or corrective action in the context of established Sacramento County Planning Department Zoning Enforcement procedures.
- Issuance of a stop work order which will not be lifted until signed by the County.
- Apply the measures of any County enforcement ordinances based upon the police power to protect the public's health, safety and welfare.
- Require performance bonds for landscaping, tree preservation, wetland preservation, or other items determined appropriate by County staff.
- Revocation of use permits or other similar actions may occur if violations are discovered by County staff.
- Denial of subsequent approvals necessary to complete and occupy the project may be recommended by County staff.
- Initiation of any enforcement or penalty provisions in applicable development agreements will be carried out by County staff.
- Request for legal action by the County Counsel's office.

Sacramento County currently has an established code enforcement program to ensure that adequate and proper investigations of land use violations take place. As with any other development with conditions of approval and/or mitigation measures, complaints of violations of any Specific Plan requirements will be investigated consistent with established procedures and due process. Complaints of violations will be referred to the

Sacramento County Planning Department's Zoning Enforcement Section for any violation of adopted Specific Plan regulations or associated approvals. Many of the more drastic foregoing remedies would be considered only if repeated attempts to rectify any violations go unheeded.

## **7.5 MITIGATION MONITORING**

The California Environmental Quality Act requires all state and local agencies to establish reporting and monitoring programs for projects approved by a public agency whenever approval involves adoption of either a mitigated negative declaration or specified environmental findings related to environmental impact reports. For Sacramento County, the appropriate department for establishing and maintaining this program is the Department of Environmental Review and Assessment.

The Mitigation Monitoring and Reporting Program (MMRP) is intended to satisfy the requirements of CEQA as they relate to the final Environmental Impact Report for the East Franklin Specific Plan, prepared by DERA. This monitoring program is intended to be used by County staff and the project developers in ensuring compliance with adopted mitigation measures during project implementation.

Monitoring and documenting the implementation of mitigation measures will be coordinated by DERA staff. DERA staff will monitor mitigation implementation as outlined in the recorded MMRP for the East Franklin Specific Plan.

The findings prepared for the East Franklin Specific Plan indicate that the mitigation measures have been incorporated as direct changes to the Specific Plan text and or the Mitigation Monitoring and Reporting Program. Any mitigation measures, whether in the MMRP or otherwise, are Specific Plan policies and shall take precedence over any inconsistent provisions within the Specific Plan.

## **7.6 SPECIFIC PLAN FEE**

In accordance with Government Code 65456, the County may impose a fee for the purpose of recovering the costs associated with the preparation and adoption of the Specific Plan, including CEQA review. The basis for the fee shall be those direct costs incurred by the County not otherwise reimbursed by the applicants, as well as the Specific Plan costs incurred by the applicants and approved as reimbursable expenses by the County. Upon approval of the costs, the County may enter into a reimbursement agreement with the interested property owners through which the County will forward Specific Plan fees collected by the County, or shall otherwise grant credits.

In the event that any portion of the Specific Plan area passes to the legal jurisdiction of the City of Elk Grove, the City shall succeed to the obligations of the County as it relates to property located within its boundaries.