

9.0 Implementation & Administration

This chapter describes the plan review procedures, development agreements, Specific Plan amendment procedures, enforcement, mitigation monitoring and other mechanisms for to be utilized to implement or revise the LRSP.

9.1 PLAN REVIEW PROCEDURES

9.1.1 Planning Department Review

The Specific Plan represents the "master plan" for the Laguna Ridge 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. Applications such as Tentative Subdivision Maps, commercial or industrial development plans, use permits, variances and the like, will be reviewed using established Development Services - Planning Department procedures.

Development applications will be submitted to the City of Elk Grove Planning Department. The Planning Department will conduct an initial review of the application for completeness and consistency with the adopted Specific Plan, as well as other ordinances and standards. The applicant will be notified within 30 days of any deficiencies that must be rectified to deem the application complete. If the applicant or the City believes that an Amendment to the Specific Plan is warranted, an Amendment to the Specific Plan may be requested in accordance with section 9.3 Amendment Procedures. The request must provide adequate justification. The application will also be subject to environmental review as discussed in the following section.

9.1.2 Environmental Review

The Environmental Impact Report (EIR) prepared for the Laguna Ridge Plan will serve as the master environmental assessment document for development within the Plan Area. Individual project applications will be reviewed for consistency with the Specific Plan EIR. If consistency is determined and the project meets the criteria established in Section 15182 of the CEQA guidelines, the City may determine that a separate environmental document is not required and other appropriate environmental documentation would be prepared. In all other cases, the City shall prepare 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, more detailed wetlands delineation may be required for an individual project application. Upon review of this additional information, the City 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 the City determines that there would be environmental impacts beyond the scope originally anticipated during the original study, further environmental review and a separate environmental document may be required. Conversely, the City 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.

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.

9.2 DEVELOPMENT AGREEMENTS

Subject to the provisions of the Specific Plan, the property owners and the City 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 City that certain land uses and densities in effect at the time of execution of the agreement will not be modified.

9.3 AMENDMENT PROCEDURES

Large project specific plans are adopted in a dynamic development environment, often with lengthy build-out 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.

9.3.1 Applicants

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

A Specific Plan processing fee to be determined by the City shall accompany applications for amendments submitted by property owners. This fee would be in addition to existing fees for accompanying development applications.

9.3.2 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 9.3.3 below. Minor amendments can be reviewed and acted upon by the Planning Director with no Planning Commission or Council review, unless appealed by the applicant. Section 9.3.4 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.

9.3.3 Major Amendments

It is difficult to establish objective criteria in this Specific Plan to determine whether or not a proposed amendment is considered major or minor. The following are examples of what could be considered major amendments:

- Introduction of a new type of land use not specifically discussed in this Specific Plan.
- Significant changes to the distribution of land uses or other changes affecting land use which

- may substantially affect the key planning concepts set forth in this Specific Plan.
- Significant changes to the arterial street system that would substantially 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 that could significantly increase environmental impacts.

Application Requirements for 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 City of Elk Grove. 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 City 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 shall require City Council approval, with a recommendation forwarded by the Planning Commission.

9.3.4 Minor Amendments

An amendment shall be considered a minor amendment when it is determined that it does not have a significant impact on the character of the plan. A Specific Plan Amendment application fee shall accompany any applications for minor amendments to the Specific Plan. The Planning Director shall make a written determination as to whether or not a requested amendment is major or minor within 10 working days of receipt of the application. If the Planning Director determines that a requested amendment is minor, the Director will either approve or deny the request. The Director's decision may be appealed to the Planning Commission within 10 working days of the decision.

Application Requirements for Minor Amendments

Applications for major amendments shall be submitted to the Planning Department and shall include a detailed description of the requested amendment; a justification statement; the application processing fee to be determined by the City Council; and a Specific Plan Amendment processing fee.

9.3.5 Findings

The Planning Director or hearing body when acting upon any minor or major amendment requests to the Specific Plan shall consider the following findings:

- Significant changes to the character of the community have occurred subsequent to the adoption of the Specific Plan which warrants amendments as requested;
- The requested amendment will benefit the Specific Plan Area and/or the City;
- The amendment is consistent with the General Plan;
- The amendment will not adversely affect adjacent properties and can be properly serviced;

- Where applicable, the physical constraints of the property area are such that the requested amendment is warranted.

9.4 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, City staff may ensure completion or correction of the development activity through actions including, but not limited to, the following:

- Meeting with the proponent to negotiate timing or corrective action in the context of established City of Elk Grove Planning Department Zoning Enforcement procedures.
- Issuance of a stop work order that will not be lifted until signed by the City of Elk Grove.
- Apply the measures of any City 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 City staff.
- Revocation of use permits or other similar actions may occur if City staff discovers violations.
- City staff may recommend denial of subsequent approvals necessary to complete and occupy the project.
- City staff will carry out initiation of any enforcement or penalty provisions in applicable development agreements.
- Request for legal action by the City Attorney's office.

The City of Elk Grove currently has 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 City of Elk Grove 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.

9.5 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.

The Mitigation Monitoring and Reporting Program is intended to satisfy the requirements of CEQA as they relate to the final EIR for the Laguna Ridge Specific Plan. This monitoring program is to be used by City 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 the City of Elk Grove staff. City staff will monitor mitigation implementation as outlined in the recorded MMRP for the Laguna Ridge Specific Plan.

9.6 SPECIFIC PLAN FEE

In accordance with Government Code 65456, the City 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 applicants and approved as reimbursable expenses by the City. Upon approval of the costs, the City may enter into a reimbursement agreement with the sponsoring property owners through which the City will forward Specific Plan fees collected or will otherwise grant credits.

As discussed in Chapter 2 and Chapter 3, the Plan Area contains multiple property owners each with their own unique desires and goals. At the time this plan was formulated a group of 18 property owners controlling approximately 1,620 acres or 85% of the Plan Area agreed to cooperate based on a commonly held interest in developing their properties and elected to financially sponsor the preparation of this specific plan effort, and all of the required engineering and environmental studies needed to evaluate the project.

The remaining property owners elected not to financially participate in this specific plan effort. Their parcels were designated for urban uses and analyzed by the engineering studies, however they were also identified on the Land Use Diagram with a screened “cross-hatch” pattern, and the existing agricultural zoning will remain in effect for these properties. The intent of this designation is to signal to the City of Elk Grove planning staff that any subsequent request for development on these parcels will be subject to a reimbursement agreement to compensate the sponsoring landowners and/or the City of Elk Grove the cost of the specific plan effort. A re-zone process will be required to identify the appropriate zone consistent with the Specific Plan Land Use Plan to allow the parcel to develop. There may also be a need for additional site-specific environmental studies.

The non-participating property owner will be required to pay a Specific Plan Fee upon submittal of an application requesting the re-zoning based on the number of acres included in the re-zone application or the size of the parcel, whichever is greater. This “fair-share” fee will be calculated based on the following formula:

$$(\text{Total Specific Plan Cost} \div \text{total acres}) \times \text{parcel acreage} = \text{Specific Plan Fee}$$

The items to be included in the Specific Plan Cost have been determined in coordination with the City of Elk Grove and may include, but not necessarily be limited to the following:

1. Costs expended by the City to review or hire consultants to prepare and/or review the Specific Plan, engineering studies, environmental studies, and/or the EIR.

2. Costs expended by the sponsoring property owners group to hire consultants to prepare and/or the specific plan, engineering studies, environmental studies and/or the EIR.
3. The Total Specific Plan Costs may be multiplied by a yearly interest rate or inflation factor, to fairly account for the passage of time.

Parcels owned by sponsoring property owners that financially participated in the preparation of the plan will not be required to pay the Specific Plan Fee and are granted zoning or land use designations as illustrated and discussed in Chapter 3. Specific Plan Fees collected by the City shall be utilized to reimburse sponsoring property owners.