

RESOLUTION NO. 2005-306

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP FOR THE NORTHWEST UNIT 1 PROJECT NO. EG-04-751, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, Northwest Land Co., Inc. (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone and Tentative Subdivision Map (Assessor's Parcel Number 121-0410-020); 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 determined that the Northwest Unit 1 Project was subject to the California Environmental Quality Act and prepared an initial study evaluating the potential environmental effects of the project; and

WHEREAS, the Initial Study identified potentially significant adverse effects in the areas of construction air quality and biological resources; and

WHEREAS, the City has agreed to implement proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation; and

WHEREAS, all project changes required to avoid significant effects on the environment have been incorporated into the project and/or are identified in the Mitigation Monitoring Plan; and

WHEREAS, the City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program would reduce the impacts to a less than significant level and that a Mitigated Negative Declaration should be prepared; and

WHEREAS, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on July 6, 2005 and was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on July 6, 2005 and closed on August 4, 2005. The Mitigated Negative Declaration was made available to the public during this review period; and

WHEREAS, the City did not receive any written comment letters within the 30 day public review period; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on August 18, 2005 and recommended City Council approval of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove approves the Northwest Unit 1 Rezone and Tentative Subdivision Map based on the following findings and the attached conditions of approval included as Exhibit A.

Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the entire administrative record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

Rezone

Finding: The proposed rezone is in the public interest (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The Planning Commission has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and Zoning Code. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Tentative Subdivision Map

Finding: Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:

- 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 are 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: The above Findings #a. through #g. do not apply to the proposed Tentative Subdivision Map.

- a. The proposed map is consistent with the density limits as specified in the Elk Grove General Plan
- b. The design or improvements of the proposed subdivision are consistent with the Elk Grove General Plan.
- c. The site is physically suitable for the development. The applicant is proposing a 32-lot subdivision on 8.33 acres which conforms to the allowable densities in the Zoning Code.
- d. The site is physically suitable for the proposed density of development. The applicant is proposing 32 single family lots on 8.33 acres, which conforms to the allowable densities of the RD-5 zoning.
- e. The Mitigated Negative Declaration prepared for the project determined that potential environmental impacts from the design of the subdivision or the proposed improvements will be less than significant levels with implementation of the proposed project design and conditions of approval.
- f. The Mitigated Negative Declaration prepared for the project determined that potential serious health problems were not identified for the project and will be less than significant levels with implementation of the proposed project design and conditions of approval.
- g. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 28th day of September 2005.




DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-306

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

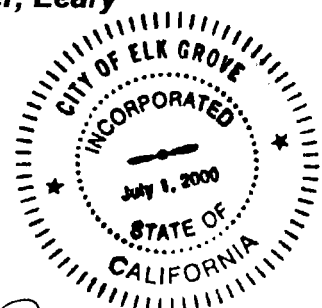
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 28th day of September, 2005 by the following vote:

AYES 4: COUNCILMEMBERS: Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: COUNCILMEMBERS: Scherman



Peggy E. Jackson, City Clerk
City of Elk Grove, California

EXHIBIT A - CONDITIONS OF APPROVAL

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On-Going				
1.	The Applicant or Successors in Interest (hereby referred to as 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. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Development Services - Planning	
2.	The development approved by this action is for a Rezone from AR-5 to RD-5 and a Tentative Subdivision Map to create 32 single family lots as illustrated in the project plans. 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	Development Services - Planning	
3.	This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Development Services - Planning	
4.	The Tentative Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of City Council approval.	Development Services - Planning	
5.	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.	On-Going	Public Works	
6.	Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
7.	Streets shall be closed to the public until Department of	On-Going	Public Works	

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Public Works, Division of Traffic Engineering and the project engineer determine the appropriate traffic control devices to be installed and the devices are installed to the satisfaction of Public Works. Road closure devices shall be in place immediately and maintained in-place at all times upon completion of paving. Road closure may also require alternative accesses to both building and improvements construction traffic. The type of road closure devices shall be determined and approved by Public Works.			
8. All traffic calming devices and locations must be approved by Public Works prior to installation.	On-Going	Public Works	
9. Construction of both engineering improvements and building/home construction shall be limited to the hours of 7:00am – 6:00pm Monday –Friday and 8:00am – 5:00pm Saturdays. No construction work may occur on Sundays.	On-Going	Public Works	
With Construction			
10. The Applicant shall provide a non-potable water distribution system to the satisfaction of the Sacramento County Water Agency. When available, the Applicant shall use non-potable water during grading and construction.	With Construction	Department of Water Resources	
11. All driveways shall require an encroachment permit. At that time the curb, gutter, sidewalk and all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.	With Construction	Public Works	
12. In order to reduce potentially significant adverse impacts from visible emissions to a less than significant level, the Applicant shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and City of Elk Grove Development Services- Planning and SMAQMD shall be notified within 48 hours of identification of	During Project Construction	Planning	

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<p>Public Works, Division of Traffic Engineering and the project shall determine the appropriate traffic control devices to be installed and the devices are installed to the satisfaction of Public Works. Road closure devices shall be installed immediately and maintained in-place at all times during completion of paving. Road closure may also require alternate access to both building and improvements to maintain traffic. The type of road closure devices shall be determined and approved by Public Works.</p>			
<p>Timing devices and locations must be approved by Public Works prior to installation.</p>	On-Going	Public Works	
<p>Timing of both engineering improvements and some construction shall be limited to the hours of 6:00pm Monday –Friday and 8:00am – 5:00pm. No construction work may occur on Sundays.</p>	On-Going	Public Works	
<p>Applicant shall provide a non-potable water distribution system to the satisfaction of the Sacramento County Water Board. When available, the Applicant shall use non-potable water during grading and construction.</p>	With Construction	Department of Water Resources	
<p>Projects shall require an encroachment permit. At that time, Public Works shall evaluate to determine if those improvements shall be repaired/reconstructed.</p>	With Construction	Public Works	
<p>Applicant shall reduce potentially significant adverse impacts such as emissions to a less than significant level, the applicant shall ensure that emissions from all off-road diesel equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any 24-hour period. Any equipment found to exceed 40 percent opacity (per Ringelmann 2.0) shall be repaired immediately. The applicant shall be notified within 48 hours of identification of violations.</p>	During Project Construction	Planning	

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<p>non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance</p>				
Prior to Final Map				
13.	<p>The Applicant shall dedicate and improve Lakemont Drive, half width section plus an additional 10-foot width north of the centerline. Improvements will be based on 50' collector cross section in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Sidewalk shall be 8' wide along Lot A (drainage channel) and be extended offsite and tie into the existing walk. All street improvements shall be constructed prior to the 1st building permit.</p>	<p>Dedicate with the Final Map</p> <p>Improve prior to Building Permit Issuance</p>	Public Works	
14.	<p>The Applicant shall dedicate and improve Brown Road, half width section plus an additional 10-foot width south of the centerline. Improvements will be based on 60-foot collector cross section in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Sidewalk shall be 8' wide along Lot A (drainage channel) and be extended offsite(east only) and tie into the existing walk. However, the applicant may adjust the sidewalk width down to a minimum of 6' wide along the culvert crossing for Brown Road. All street improvements shall be constructed prior to the 1st building permit.</p>	<p>Dedicate with the Final Map</p> <p>Improve prior to Building Permit Issuance</p>	Public Works	
15.	<p>The Applicant shall submit a property description and a copy of the approved tentative parcel map along with the</p>	<p>Prior to Recordation of the Final Map</p>	Public Works	

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appropriate application to the City of Elk Grove for the inclusion of this development to the City of Elk Grove Stormwater Utility if not currently included. Public Hearing and appeal period shall be held prior to recordation of the Final Map.			
16. The Applicant shall install fencing, designed to the satisfaction of Public Works and Planning behind sidewalk when adjacent to Lot A and the offsite improvements.	Prior to Recordation of the Final Map	Public Works	
17. The Applicant shall dedicate and improve all internal streets as shown in the tentative subdivision map, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. All street improvements shall be constructed prior to the 1 st building permit.	Dedicate with the Final Map Improve prior to Building Permit Issuance	Public Works	
18. All improvements shall be dedicated, designed and improved in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Recordation of the Final Map	Public Works	
19. The Applicant shall dedicate a 12.5 foot public utility easement for underground and or overhead facilities and appurtenances adjacent to all public and private streets.	Dedicate with the Final Map	Public Works	
20. Improvement plans, including landscape plans, must be approved by Public Works prior to City Council approval of Final Map.	Prior to Approval of Final Map	Public Works	
21. The Applicant shall provide drainage easements (prior to recordation of final map) and install facilities (prior to the issuance of building permits) pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code. The pertinent provisions of the above-referenced codes, standards, fees,	Prior to Recordation of the Final Map Prior to the Issuance of Building Permits	Public Works	

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and ordinances shall be applicable at the time of site improvement plan approval.			
22. The street drainage system shall be designed such that the storm drainage pipe shall be tied into the existing box culvert perpendicular to the culvert. Additional right-of-way and facilities (manholes and access roads) may need to be provided to provide this design. It is anticipated that the existing Lot 10 (TM stamped received 11/10/04) will be incorporated into Lot A.	Prior to Approval of the Final Map	Public Works	
23. The Applicant shall dedicate Lot A in Fee to the City of Elk Grove	Dedicate with the Final Map	Public Works	
24. Concurrent with the recordation of the Final Map, the Applicant shall place a separate deed restriction on lots 6-9 limiting the houses to single story structures.	Concurrent with Recordation of the Final Map	Public Works/Planning	
25. Impact fees for CSD-1 shall be paid prior to the filing and recording of the Final Map or issuance of the Building Permits, whichever is first.	Prior to Final Map Approval	CSD-1	
26. Sewer easements will be required. All sewer easements shall be dedicated to CSD-1 in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance.	Prior to Final Map Approval	CSD-1	
27. The Applicant shall provide separate public water service to each parcel and dedicate maintenance easements in all public and private streets over all water lines to the satisfaction of Sacramento County Water Agency prior to Final Map approval.	Prior to Final Map Approval	Department of Water Resources	
28. The Applicant shall locate, identify on maps and isolate any water wells, and locate and identify any septic system that may be located on the parcel. Any wells and septic systems under permits from Sacramento County Environmental Health shall be properly destroyed.	Prior to Final Map Approval	Community Enhancement & Code Compliance	

Conditions of Approval

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29.	Prior to final map approval, the project area shall annex into a Mello-Roos Community Facilities District (CFD) to fund a portion of the additional costs for police service related to serving the new development. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax	Prior to Final Map Approval	Finance	
30.	Prior to the final map, the project area shall annex into Street Maintenance Assessment District No. 1 to fund a portion of the additional costs for long-term roadway maintenance related to serving the new development. The application fee for the annexation is due prior to the Resolution of Intention to Levy Street Maintenance Assessments	Prior to Final Map Approval	Finance	
31.	Prior to the final map, the project area shall form or annex into a Mello-Roos CFD, assessment district, other financing district, or will provide some other funding mechanism, which is acceptable to the Finance Director of the City to fund the project's fair share of landscape maintenance costs which may include, but not be limited to, roadway corridors, interchanges, medians, drainage corridors, trails, open space, and parks, and maintenance costs of other community facilities.	Prior to Final Map Approval	Finance	
32.	The Applicant shall provide park land dedication and/or fees according to standards set forth in Chapter 22.40, Title 22 of the City of Elk Grove Code.	Prior to Final Map Approval	EGCSD Parks & Recreation	
33.	The Applicant shall pay Park and Recreation Review Fees as required by the EGCSD.	Prior to Final Map Approval	EGCSD Parks & Recreation	
Construction Activities /Improvement Plans				
34.	The Applicant shall record the Mitigation Monitoring and Reporting Program for the parcel included in this project, 121-0140-020. Prior to the issuance of any grading permits, comply with, record, and pay fees for the Mitigation	Prior to Issuance of a Grading Permit/Improvement Plans	Planning	

Conditions of Approval

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Monitoring and Reporting Program (MMRP) associated with the project. Until the MMRP has been recorded and the estimated MMRP fee of \$2000.00 has been paid, no grading, building, sewer connection, water connection, or occupancy permit from the City will be approved.			
35. The Applicant shall prepare and submit a comprehensive drainage study that addresses handling all flows generated by the project including but not limited to, defining the watershed boundary, defining the local controlling 100-year water level, method of flow conveyance with adequate supporting calculations, and detailed hydrologic and hydraulic analysis.	Prior to Issuance of Improvement Plans	Public Works	
36. The Applicant shall design a channel crossing at Lakemont Drive to the satisfaction of Public Works	Prior to Issuance of the Improvement Plans	Public Works	
37. Where feasible, Biofilter swales and vegetated strips are preferred and shall be utilized in providing biofiltration of pollutants in project runoff prior to entering receiving water body. The project engineer shall consult with the City when designing storm water conveyance facilities, and the developer shall submit designs of the areas to these agencies for review and approval prior to approval of the Final Map.	Prior to Issuance of the Improvement Plans	Public Works	
38. The Applicant comply with all NPDES Permit and City's Stormwater Ordinance requirement before, during, and after construction as require by the Permit and the Ordinance and in accordance with the latest version of the Guidance Manual of On-site Stormwater Quality Control Measure.	Grading Permit and/or deemed needed by Public Works	Public Works	
39. The Applicant shall comply with the regulations of the Federal Emergency Management Agency (FEMA) and the City of Elk Grove and Sacramento County Flood Plain Management Ordinances. Amendments and/or revisions of	Prior to the Issuance of any permits for grading, building or any other site	Public Works	

Conditions of Approval

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<p>FEMA flood maps will be required for all development located in the federal or local flood zone. All amendments and/or revisions must be final and submitted to the City prior to issuance of the first building permit. The elevation of all building pads must be certified by a registered Civil Engineer or licensed Land Surveyor and submitted to the City prior to issuance of a building permit and the lowest finished floor elevation must be a minimum of 1 (one) – foot above the 100-year frequency water level.</p>	<p>improvements.</p>		
<p>40. The Applicant shall obtain applicable State Fish and Game, U.S. Army Corps of Engineers, and State Water Board permits prior to issuance of grading permits.</p>	<p>Prior to the Issuance of any permits for grading, building or any other site improvements.</p>	<p>Public Works</p>	
<p>41. In order to mitigate erosion and sediment control problems on the project site, the Applicant shall comply with the City's Land Grading and Erosion Control Ordinance. If the project size is more than one acre, a Notice of Intent (NOI) must be filed prior to construction to obtain coverage under the State's General Construction Activity Storm Water Permit.</p>	<p>Prior to Issuance of Grading Permits</p>	<p>Public Works</p>	
<p>42. Prior to the issuance of grading permits, the Applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall address spill prevention and include counter measure plan describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction,</p>	<p>Prior to moving equipment, material and personnel on-site for grading activities.</p>	<p>Public Works</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City's Improvement Standards and Land Grading and Erosion Control Ordinance and may include but not necessary limited to: (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into any receiving water body; and (6) any other suitable measures. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board and to the City for review. A copy of the SWPPP must be kept accessible on the project site at all times. SWPPP improvements shall be in place prior to moving equipment, material and personnel on-site for grading activities.</p>			
<p>43. All finished floor elevations must be a minimum of 1 foot above the 100-yr water surface elevation in the area, calculated with a method acceptable to the City of Elk Grove, Public Works, Drainage. The Applicant shall provide hydraulic calculations as to the manner the 100-year water surface elevation was calculated.</p>	<p>Improvement Plans/Grading/ Building Permit</p>	<p>Public Works</p>	
<p>44. In order to reduce potentially significant adverse impacts from NOx emissions to a less than significant level, the Applicant shall provide a plan for approval by City of Elk Grove and SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction* compared to the most recent CARB</p>	<p>Prior to Issuance of Grading/Improvement Plans</p>	<p>Planning</p>	

Conditions of Approval

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<p>fleet average at time of construction; and the project representative shall submit to City of Elk Grove-Development Services-Planning and SMAQMD, for review and approval, a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide City of Elk Grove-Development Services-Planning and SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.</p> <p>*Acceptable options for reducing emissions may include use of late model engines, low emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.</p>			
<p>45. The Applicant shall retain a qualified biologist approved by the City of Elk Grove to conduct a preconstruction survey for special status plant species, specifically Sanford's arrowhead, potentially within the construction and staging areas. The survey shall be conducted no more than 30 days prior to the onset of major construction activities or ground disturbance at the site. If no special-status plant species are located during the preconstruction survey, no further mitigation is necessary. If sensitive plant species are found</p>	<p>Prior to Any Site Disturbance</p>	<p>Planning, USFWS, CDFG</p>	

	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>during the survey, measures shall be implemented including but not limited to:</p> <p>Establishing an avoidance area (no ingress of workers or equipment) of a minimum of 10 feet around the plant population that shall be clearly marked with fencing and signage if appropriate;</p> <p>Ensure the hydrology of the area shall remain consistent during construction and following project completion to reduce potential stress to the plant population;</p> <p>If the plants cannot be avoided, the project Applicant shall retain a qualified biologist approved by the City of Elk Grove to relocate the population under the direction of USFWS and/or DFG to a similar area (approved by the agencies) that shall be retained in a long-term conservation easement;</p> <p>USFWS and/or DFG shall be notified regarding the location and status of the plant population.</p> <p>USFWS and/or DFG recommendations regarding appropriate avoidance or disturbance mitigation measures shall be incorporated into the project to the extent possible.</p>			
<p>46. The Applicant shall retain a qualified biologist approved by the City of Elk Grove to conduct a preconstruction survey for northwestern pond turtle no more than 30 days prior to the onset of construction and following any break in activity longer than two weeks in duration during construction. If no indications of resident turtle or actual turtles are noted during the survey, then no further mitigation is necessary. If northwestern pond turtle are found onsite, measures to protect the turtle shall be implemented including but not limited to:</p>	<p>Prior to Any Site Disturbance</p>	<p>Planning, USFWS, CDGF & Army Corp of Engineers</p>	

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<ul style="list-style-type: none"> a) Onsite biological monitoring during all phases of construction involving Strawberry Creek and 100 feet of upland along side the creek; b) Establish and enforce an onsite policy, which allows the biologist to immediately stop construction activities should the biologist deem a northwestern pond turtle to be in jeopardy. Work shall commence when the biologist deems threat to the turtle has been minimized; c) Establish a relocation site and procedures through consultation with the USFWS and DFG, should a northwestern pond turtle need to be moved from the construction zone; d) Revegetate and restore, to the extent possible, wetlands at the project site to preconstruction conditions; e) USFWS and DFG shall be consulted regarding the adequacy of onsite avoidance measures and mitigation. The project Applicant shall implement DFG recommendations to the extent possible. f) In addition, construction activities shall be restricted based on guidance obtained through consultation initiated by the Army Corps of Engineers (ACOE) permit authorization branch 			
<p>47. The Applicant shall retain a qualified biologist approved by the City of Elk Grove to coordinate and supervise restoration of giant garter snake habitat following Guidelines for Restoration and/or Replacement of Giant Garter Snake Habitat established by the USFWS in 1997. If no indications of resident giant garter snake or actual snakes are noted during the survey, then no further mitigation is necessary. If</p>	<p>Prior to Any Site Disturbance</p>	<p>Planning, USFWS, CDFG & Army Corp of Engineers</p>	

Conditions of Approval

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>giant garter snakes are found onsite, measures to protect the snake shall be implemented including (as outlined in the guidelines), but not limited to:</p> <ul style="list-style-type: none"> a) Minimizing impacts of project activities to existing habitat, including using silt fencing, designating sensitive areas to be avoided, using protective mats, preventing runoff, using existing roadways to move equipment (when possible), conducting onsite activity only from May 1 to October 1, and providing worker awareness training; b) Surveying for garter snake 24-hours prior to the onset of construction activities and again should a lapse in activity two weeks or longer occur; c) Removing all construction debris and stockpiled materials upon project completion; d) Regrading the area to the preexisting contour or a contour that would improve restoration potential; and e) Replanting and hydroseeding the area following USFWS recommendations as found in the 1997 guidelines (USFWS 1997). f) In addition, construction activities shall be restricted based on USFWS guidance obtained through consultation initiated by the Army Corps of Engineers (ACOE) permit authorization branch 			
<p>48. The Applicant shall retain a qualified biologist approved by</p>	<p>Prior to Any Site Disturbance</p>	<p>Planning & CDFG</p>	

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<p>the City of Elk Grove to conduct a preconstruction burrow survey no more than 30 days prior to ground disturbing activity (and following any break in site activity longer than two weeks in duration) following procedures outlined in <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> prepared by the California Burrowing Owl Consortium in April 1993. Should no owls be found onsite, a report should be prepared (as outlined below) and submitted to the City of Elk Grove. No further mitigation would be necessary. Should owls be found onsite during the preconstruction survey or any time during construction activities the following measures (as recommended in the guidelines) shall be implemented as soon as possible:</p> <p>a) An avoidance area shall be established around the occupied burrow, such that no disturbance (or ingress) into the buffer area shall be allowed. If construction occurs between September 1st and January 31st (the non-breeding season), the avoidance area shall be at least 50 meters surrounding the burrow. If construction occurs between February 1st and August 31st (the breeding season), the avoidance buffer shall be at least 75 meters surrounding the burrow;</p> <p>b) During the breeding season (February 1st through August 31st), occupied burrows shall not be disturbed unless the DFG verifies that the birds have not begun egg-laying and incubation or that the juveniles from those burrows are foraging independently and capable of independent survival;</p> <p>c) If destruction of occupied burrows is unavoidable,</p>			

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<p>replacement burrows shall be installed at a minimum ratio of one burrow replaced for every burrow lost (1:1). Replacement shall occur in an area with a minimum of 100 meter radius of foraging habitat surrounding the new burrow that shall be retained in a long-term conservation easement;</p> <p>d) If owls are threatened and must be relocated from a construction site, passive relocation shall be attempted (if appropriate) before trapping. Passive relocation is defined (in the owl guidelines) as encouraging owls to move from an occupied burrow to an alternate natural or artificial burrow located beyond 50 meters from the zone of impact. Trapping shall only be attempted during the nonbreeding season by a qualified biologist approved by the DFG;</p> <p>e) DFG shall be consulted regarding the adequacy of onsite avoidance measures and mitigation. The project Applicant shall implement DFG recommendations to the extent possible.</p> <p>Furthermore, the biologist shall prepare a written report to be submitted to the City of Elk Grove that includes a habitat assessment of the project site, burrow survey methods and results, behavior of owls noted onsite (if applicable), and maps as well as photographs of the area showing habitat and burrow locations.</p>			
<p>49. Unless proposed construction activities are planned to occur outside the nesting seasons for local avian species, the Applicant shall retain a qualified biologist approved by the City to conduct a focused survey for active nests of</p>	<p>Prior to Any Site Disturbance</p>	<p>Planning, USFWS & CDFG</p>	

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<p>raptors and migratory birds within and in the vicinity of the construction area no more than 30 days prior to ground disturbance. If active nests are located during pre-construction surveys, USFWS and/or DFG shall be notified regarding the status of the nests. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nests until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment) around the nest or alteration of the construction schedule. No action is necessary if construction will occur during the nonbreeding season (generally October 1st through January 31st).</p>			
<p>50. In order to mitigate for the loss of Swainson's hawk foraging habitat, the Applicant shall implement one of the following City of Elk Grove's approved mitigation alternatives.</p> <p><u>Monitoring Action</u> Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project Applicant shall:</p> <ul style="list-style-type: none"> • Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect, OR • Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at 	<p>Prior to Any Site Disturbance</p>	<p>Planning & CDFG</p>	

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	<p>a 1:1 ratio) to the City of Elk Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect.</p>			
51.	<p>The proposed project would have impacts to waters of the U.S., including an 80-foot culvert/bridge over Strawberry Creek and a proposed sewer connection to existing facilities on Brown Road in the southern portion of the project site. The project Applicant shall consult with the Army Corps of Engineers to verify actual acreages (as presented in the delineation) of potential impact to wetland areas that qualify as jurisdictional waters of the U. S. at the project location to the extent possible, the project shall be designed to avoid all impacts to jurisdictional waters of the U. S. If jurisdictional waters cannot be avoided, a no net loss of wetlands policy shall be employed and the appropriate permits (i.e., Section 404 and 401 under the Clean Water Act, and/or Section 1602 Streambed Alteration Agreement) shall be obtained prior to issuance of grading permits.</p> <p>The Applicant shall comply with all permit conditions and employ best management practices and measures (established by the Corps) to minimize and compensate for potential impact to any jurisdictional waters. In addition, wetland delineation and mitigation details shall be noted on the design plans for the proposed project.</p>	Prior to Any Site Disturbance	Planning & Army Corp of Engineers	
52.	<p>The Applicant shall connection to the District's sewer system to the satisfaction of CSD-1. Sacramento County</p>	Prior to Issuance of the Improvement Plans	CSD-1	

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	Improvement Standards apply to sewer construction.			
53.	Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, the Applicant shall use water from agricultural wells for grading and construction.	Prior to Issuance of Improvement Plans	Department of Water Resources	
Prior to Issuance of Building Permits				
54.	The Applicant shall have the Final Map completed approved and recorded.	Prior to Issuance of 1 st Building Permit	Public Works	
55.	At all street intersections, public or private, within one block of the proposed project, the Applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details.	Prior to Issuance of Building Permit	Public Works	
56.	Landscape and irrigation improvements shall be constructed adjacent to Brown Road and within the western portion of Lot A. Landscaping shall be installed prior to the issuance of the first building permit within the subdivision. If weather prevents the installation at the time of first building permit, up to 25% of the building permits may be issued at staff discretion upon demonstration of a fully executed landscape contract for the work.	Prior to Issuance of 1 st Building Permit	Public Works	
57.	The Applicant shall construct a channel crossing at Lakemont Drive to the satisfaction of Public Works.	Prior to Issuance of the 9 th Building Permit	Public Works	
58.	All improvements shall be installed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Issuance of 1 st Building Permit	Public Works	
59.	Each lot shall have a separate connection to the public sewer system. In order to obtain sewer service, construction of public sewer is required.	Prior to Finalization of Building Permit	CSD-1	
60.	The Applicant shall pay all applicable City of Elk Grove	Prior to Building Permit	Finance	

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	administered development impact fees prior to building permit issuance	Issuance		
Prior to Certificate of Occupancy				
61.	The Applicant shall submit Flood Elevation Certification for each structure.	Prior to Occupancy	Public Works	
62.	Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement by the Applicant.	Prior to Occupancy	Public Works	

Compliance Items for Building Permit

1. Permits and/or fees are required for the following reviews: civil plans, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.
2. Dead-end streets in excess of 150 feet require emergency vehicle turn-a-rounds.
3. Water supply will be provided by the Sacramento County Water Agency.
4. 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 15% for concrete. The roadways shall be constructed to a 20-foot minimum width with a minimum of three (3) inches AC over six (6) inches AB with good drainage.
5. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Elk Grove Fire Department and the water purveyor having jurisdiction.