

RESOLUTION NO. 2006-55

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A TENTATIVE PARCEL MAP AND EXCEPTIONS
MCCOWN REZONE
PROJECT NO. #EG-04-720 – APN: 123-0180-002**

WHEREAS, Larry McCown (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone, Tentative Parcel Map and Exceptions; 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 proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described by Assessor Parcel Number 123-0180-002; and

WHEREAS, the proposed project is consistent with the General Plan Land Use Policy Map and Zoning Code requirements; and

WHEREAS, the City determined that the McCown Rezone 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 biological resources; 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, 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 November 9, 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 November 9, 2005 and closed December 9, 2005. The Mitigated Negative Declaration was made available to the public during this review period; and

WHEREAS, no comments were received by the City within the 30 day public review period; and

WHEREAS, conditions of approval have been imposed on the project; and

WHEREAS, the City of Elk Grove, Development Services Planning Department, located 8400 Laguna Palms Way, Elk Grove, California 95758 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on January 19, 2006 and recommended City Council approval of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the project, subject to the conditions of approval as illustrated in Exhibit A and the Tentative Parcel Map as illustrated in Exhibit B, based on the following 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 whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

General Plan

Finding: The project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The General Plan identifies the site for Rural Residential use. The project is consistent with the goals and policies of the General Plan for residential development within the City of Elk Grove.

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 Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. 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 Parcel Map

Finding: The Findings provided in Section 66474 of the California Subdivision Map Act that require a City to deny a tentative map do not apply to this Tentative Parcel Map.

Evidence:

- a. The proposed map is consistent with the Elk Grove General Plan and rezone.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the municipal code.
- c. The site is physically suitable for extension of rural residential development.
- d. The site is appropriate for the specified density of development.
- e. The proposed Tentative Parcel Map is consistent with the General Plan and zoning and therefore would not cause substantial environmental damage. 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.
- f. The design of the subdivision map or type of improvements will meet all applicable standards or regulations and will not cause serious public health problems.
- 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.

Exception (Public Water)

Finding: The granting of the exception will not be detrimental to the health, safety, comfort or general welfare of persons residing or working in the subdivision and that the requirements to provide domestic water supply would create a hardship.

Evidence: There is no evidence in the record or evidence provided to indicate that the health of surrounding neighbors will be compromised. Public water is not available to the site and is not anticipated in the near future. Granting this particular type of exception is consistent with other similar projects approved in rural portions of the city. The majority of the Rural Residential area in the eastern portion of the City is provided by private wells.

Exception (Public Street Frontage)

Finding: Adequate provisions have been made for the prevention of dust or other nuisances or hazards to surrounding properties from the use of private streets and drives.

Evidence: The private drive will be constructed with an all-weather surface, which would prevent dust and other nuisances or hazards to surrounding properties resulting from the use of the private drive.

Finding: Adequate provision can be made for future street right-of-way and improvements.

Evidence: The project includes a condition that the Applicant shall dedicate Excelsior Road in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works, which will adequately provide for future street right-of-way and improvements.

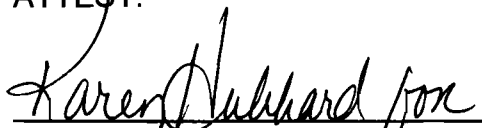
Finding: Adequate provisions are made for emergency and service provider vehicles.

Evidence: The project includes a condition that the private drive be dedicated as a public easement for access for services such as utility and emergency vehicles.

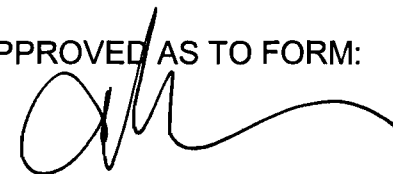
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of February 2006.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

<u>Conditions of Approval / Mitigation Measures</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On-Going				
1.	The development approved by this action is for a Rezone from AR-5 to AR-2, a Tentative Parcel Map, and Exceptions as illustrated in the project plans dated September 13, 2005. 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.	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	Planning	
3.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
4.	The Tentative Parcel Map is valid for 36 months from the date of approval.	36 months from the date of City Council approval	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.	The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
7.	If the furthest point of the home exceeds 150 feet from the street access, a fire department approved turnaround will be required to be provided on site.	On-Going	Fire Department	
8.	If a gate is proposed for the emergency access, a Knox Lock shall	On-Going	Fire Department	

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	be installed.			
9.	The Applicant shall disclose to future/potential owners the existing 69kV electrical facilities.	On-Going	SMUD	
10.	The septic areas and wells for Parcels 2 and 3 shall be a minimum of 20-feet from protected oak tree driplines.	On-Going	Planning	
11.	All fencing on the project site shall be open style fencing.	On-Going	Police Department/ Planning	
Prior to Improvement Plans/Grading/Construction				
12.	The Applicant shall comply with, record, and pay fees for the Mitigation Recording and Reporting Program (MMRP) associated with the project. Until the MMRP has been recorded and the estimated fee of \$5,000 has been paid, no final parcel map for the subject property will be approved, and no grading, building, sewer connection, water connection, or occupancy will be approved by the City or County.	Prior to the Issuance of Grading Permit	Planning	
13.	<p>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 provide written verification to Development Services-Planning that one of following mitigation measures has been implemented:</p> <ul style="list-style-type: none"> • Preserve 1.0 acre of similar habitat for each acre lost (4.61 acres) within a ten-mile radius of the project site. This land shall be protected through a fee title or conservation easement acceptable to the CDFG and the City of Elk Grove and in accordance with Chapter 16.130 of the City of Elk Grove Municipal Code. The Applicant shall be responsible for funding the operation and maintenance and/or monitoring of the protected land. • Purchase of credits at a 1:1 ratio from a CDFG-approved 	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.	City of Elk Grove Development Services-Planning in consultation with CDFG	

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	<p>mitigation bank for Elk Grove is an acceptable mitigation; OR,</p> <ul style="list-style-type: none"> Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (4.61 acres) (payment shall be at 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>(MM 1)</p>			
14.	<p>In order to reduce adverse impacts to inactive Giant Garter snakes to a less than significant level during their inactive period, no grading or other construction activities shall be conducted from October 1 to April 30, which is the inactive period of the Giant Garter snake. More danger is posed to snakes during their inactive period, because they are occupying underground burrows or crevices and are more susceptible to direct effects, especially during excavation. A "no grading" period from October 1 to April 30 will apply to portions of the project located within 1,000 feet of ditches, canals, ponds, wetlands or other such areas. <u>This mitigation measure does not apply to land areas where surveys within the active period of the snake have been conducted and no snakes have been found.</u> This mitigation measure shall be included as a note on all grading and improvement plans.</p> <p>(MM 2)</p>	<p>Prior to approval of grading and improvement plans, Development Services-Planning shall verify that the above mitigation is included on the plans.</p>	<p>Planning</p>	
15.	<ul style="list-style-type: none"> Prior to approval of grading and improvement plans, Development Services – Planning shall verify that the following monitoring actions are included as notes on all grading and improvement plans. Within 30 days prior to commencement of construction 	<p>Prior approval of grading and improvement plans, and within 30 days prior to</p>	<p>Planning</p>	

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<p>activities including clearing and grubbing, the Applicant shall submit to Development Services-Planning for approval, the results of a pre-construction survey conducted during the active period of the snake(May 1 - September 31). The survey shall include all land within 200 feet of the creek channel and shall be conducted by a qualified biologist retained by the City and funded by the project Applicant.</p> <ul style="list-style-type: none"> • If Giant Garter Snakes are found during the preconstruction surveys, the Applicant shall retain a biologist to monitor construction. During Construction, the biologist will provide Development Services – Planning a field report form documenting the monitoring efforts within 24-hours of commencement of construction activities, including clearing and grubbing. The monitoring biologist shall be retained by the City and funded by the project Applicant to routinely monitor construction activities. Clearing and grubbing shall be limited to the minimal area necessary to facilitate construction activities. Giant garter snake habitat within or adjacent to the project area shall be flagged and designated as Environmentally Sensitive Areas. This area shall be avoided by all construction personnel. Construction activities shall not occur within a distance of 200 feet from the banks of garter snake aquatic habitat. The movement of heavy equipment shall be confined to existing roadways to minimize habitat disturbance. If a giant garter snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. The monitoring biologist shall contact the U.S. Fish and Wildlife Service and City Development Services for authorization to allow construction activities to resume. <p>Giant garter snakes encountered during construction shall be allowed to move away on their own. Capture and relocation of trapped or injured individuals shall only be attempted by</p>	<p>commencement of construction activities including clearing and grading.</p>		

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<p>personnel or individuals with current USFWS recovery permits. Any incidental take shall be reported to the USFWS at (916) 414-6600, the California Department of Fish and Game (CDFG) at (916) 358-2921 and the City Environmental Coordinator at (916) 478-3619 within one working day. Any giant garter snake sightings shall be reported within 24 hours to the CDFG at (916) 358-2921 and the City of Elk Grove. The project area shall be re-inspected whenever a lapse in construction activity of two weeks or greater has occurred.</p> <p>(MM 3)</p>			
<p>16. In order to reduce potential adverse impacts to existing trees on the project site, the Applicant shall develop and implement a tree protection plan per the following specifications:</p> <p>The plan shall include a list of native and non-native trees to be preserved on the project site, including the species, condition, and diameter at breast height of each tree, and an exhibit depicting the location of those trees.</p> <p>All oak and California black walnut trees (<i>Juglans nigra</i>) that are 6 inches dbh or larger, or Landmark trees (native or non-native trees more than 18" DBH) on the project site that have been selected for preservation, all portions of adjacent off-site native trees which have driplines that extend onto the project site, and all off-site native trees which may be impacted by utility installation and/or improvements associated with this project, shall be protected as follows:</p> <p><u>Tree Preservation Construction Notes:</u></p> <p>a. A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of all oak trees to be retained and all portions off-site oak tree driplines which extend into the site, and shall not be</p>	<p>Prior to the issuance of any permits for grading, building or any other site improvements, whichever occurs first, the tree protection plan shall be submitted to Elk Grove Planning for review and approval.</p> <p>No later than 24 hours prior to commencement of construction activities including clearing and</p>	<p>Planning</p>	

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<p>cut back in order to change the dripline. Removing limbs which make up the driplines does not change the protected zones.</p> <p>b. Chain link or City approved barrier shall be installed one (1) foot outside the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend onto the site, prior to initiating project construction, in order to avoid damage to the trees and their root systems. The barrier around those oak tree driplines which are approved for encroached into by structures and/or driveways can be moved to allow construction. The new barrier locations shall be four feet outside the structure wall and/or driveway location.</p> <p>c. A piped aeration system shall be installed at all locations where impervious surfaces and/or structural development will occur within the dripline protection area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto the site. Installation of the aeration system be performed under the direct supervision of a certified arborist. If, in the opinion of the certified arborist, encroachment into the dripline protection area is severe, then the affected tree shall be retained on site but determined lost, and mitigation as required by the approving body.</p> <p>d. All driveways which pass through the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend on the site shall be constructed such that the entire driveway section is placed directly above existing grade. No excavation for driveway construction shall be allowed with oak tree dripline protection areas except minor excavation associated with the installation of piped aeration systems.</p>	<p>grubbing the Applicant shall contact Development Services – Planning to schedule a site inspection to verify that the protective measures have been installed in accordance with this mitigation measure.</p>		

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<p>e. Any pruning of an oak tree shall be supervised by a certified arborist. Branch and limb pruning shall be limited to that which has been deemed necessary by a certified arborist in order to correct a safety hazard, structural defect, crown cleaning or arborist recommended pruning in the tree. Pruning due to canopy encroachment by buildings shall be limited to the minimum amount needed to safely accommodate the structure. All pruning and deadwood removal shall be executed in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines". An ISA Certified Arborist shall supervise and tree pruning.</p> <p>f. All oak trees on site shall be pruned, as per arborist recommendations, prior to starting any site improvements. Any pruning of an oak tree shall be supervised by a certified arborist.</p> <p>g. No signs, ropes, cables (other than those which may be recommended by a certified arborist to provide limb support) or any other item shall be attached to the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend onto the site.</p> <p>h. No vehicles, construction equipment , mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiles or, located within the dripline area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto the site.</p> <p>i. No grading (grade cut or fills) shall be allowed within the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak trees which extend onto the site with the exception of approved encroachment areas on the Final</p>			

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<p>Development Plans. If, in the opinion of the certified arborist, permitted grading in the dripline protection area is severe, then the affected tree shall be retained on-site but determined lost, and mitigation as required by the approving body shall be imposed.</p> <p>j. No trenching shall be allowed within the dripline protection area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto site. If it is absolutely necessary to install underground utilities within the dripline of the tree, the utility line shall be bored or drilled under the direct supervision of a certified arborist.</p> <p>k. Landscaping beneath the on-site oak trees to be retained and all portions of off -site oak tree driplines which extend on the site include nonplant materials such as river gravel, woodchips, etc. The only plant species which shall be planted within the driplines of oak trees are those which are tolerant of the natural semiarid environs of the trees. Limited drip irrigation approximately monthly during late spring, summer and early fall is recommended for understory plants.</p> <p>l. No in the ground sprinkler or irrigation system shall be installed in such a manner that irrigates the ground within the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend onto the site. An "above ground drip irrigation system", drip lines placed on natural grade and all emitters shall be placed on grade, will be permitted under oak tree driplines. No trenching for irrigation lines will be permitted under dripline protection areas.</p> <p>m. Include all the above measures verbatim as Construction Notes on any/all Preliminary or Final Grading Plans, Improvement</p>			

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<p>Plans and Building/Development Plans which are submitted to the Department of Public Works and/or Planning Department for each project, as well as any/all revisions to Plans which are subsequently submitted.</p> <p>n. Prior to installation of new asphalt, weed control chemicals shall not be applied where they can leach into dripline of any protected tree(s).</p> <p>o. During construction, the frequency and amount of water for protected trees shall not differ from that received prior construction.</p> <p>(MM 4)</p>			
<p>17. In order to mitigate for the loss of existing trees on the project site, the Applicant shall develop and implement a tree replacement plan per the following specifications:</p> <p>The Tree Replacement Planting Plan shall be prepared by a certified arborist or landscape architect. The Plan shall comply with the City Code and General Plan policies and shall be submitted to the City for review. Current policies require that every inch lost will be mitigated by an inch planted or money placed in a tree mitigation bank. Please note that plantings required due to mitigation cannot be applied to fulfilling the landscaping requirements of the City's Design Guidelines. The Plan shall include the following elements:</p> <ol style="list-style-type: none"> 1. Species, size and location of all replacement plantings; 2. Method of irrigation; 3. The City of Elk Grove Standard Tree Planting Detail L-1, including the 10-foot depth boring hole to provide for 	<p>Prior to the issuance of any permits for grading, building or any other site improvements, whichever occurs first, the tree replacement plan shall be submitted to Elk Grove Planning for review and approval.</p>	<p>Planning</p>	

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<p>adequate drainage;</p> <p>4. Planting, irrigation and maintenance schedules;</p> <p>5. Identify the maintenance entity and include their written agreement to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive that period;</p> <p>6. The minimum spacing for replacement oak trees shall be 20 feet on center;</p> <p>7. Replacement oak trees shall not be planted within 15 feet of the driplines of existing oak trees to be retained on-site, or within 15 feet of a building foundation or swimming pool excavation;</p> <p>8. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of oak trees;</p> <p>9. No grading (grade cuts or fills) shall be allowed within the driplines of the oak trees;</p> <p>10. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any oak tree;</p> <p>11. No trenching shall be allowed within the dripline of oak trees. If it is absolutely necessary to install underground utilities within the dripline of an oak tree, the utility line shall be bored or jacked under the supervision of a certified arborist;</p> <p>12. The construction of impervious surfaces within the driplines of oak trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail</p>			

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	<p>shall be installed under the supervision of a certified arborist;</p> <p>13.No sprinkler or irrigation system shall be installed in such a manner that requires trenching within or that sprays water into the driplines of oak trees. An above ground drip irrigation system is recommended;</p> <p>14.Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species that shall be planted within the driplines of oak trees are those that are tolerant of the natural, semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.</p> <p>(MM 5)</p>			
18.	The Applicant shall design a turn around in accordance with Fire Department Standard and to the satisfaction of Public Work.	Improvement Plans	Public Works	
19.	The Applicant shall save and protect Trees #2, and 3, see tree plan dated 10/10/05, EXHIBIT 1. If Tree #1, located at the northwest corner of the project site, is to be removed, it shall be mitigated. Current policies require that every inch lost will be mitigated by an inch planted or money placed in a tree mitigation bank.	During Construction	Planning	
20.	The Applicant shall protect the existing oak tree driplines along the eastern property lines of proposed Parcels 2 and 3 (see tree plan dated 10/10/05, EXHIBIT 1)	During Construction	Planning	
21.	<p>The City Tree Consultant shall review the entrance road improvement plans and driveway plans to existing and future houses. The entrance road and improvement plans and any building permit plans shall include the following tree preservation note:</p> <p><u>Tree Preservation Construction Notes:</u></p> <p>a. A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline</p>	Improvement Plans	Planning/ Landscape Architect	

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<p>protection area of all oak trees to be retained and all portions off-site oak tree driplines which extend into the site, and shall not be cut back in order to change the dripline. Removing limbs which make up the driplines does not change the protected zones.</p> <p>b. Chain link or City approved barrier shall be installed one (1) foot outside the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend onto the site, prior to initiating project construction, in order to avoid damage to the trees and their root systems. The barrier around those oak tree driplines which are approved for encroached into by structures and/or driveways can be moved to allow construction. The new barrier locations shall be four feet outside the structure wall and/or driveway location.</p> <p>c. A piped aeration system shall be installed at all locations where impervious surfaces and/or structural development will occur within the dripline protection area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto the site. Installation of the aeration system be performed under the direct supervision of a certified arborist. If, in the opinion of the certified arborist, encroachment into the dripline protection area is severe, then the affected tree shall be retained on site but determined lost, and mitigation as required by the approving body.</p> <p>d. All driveways which pass through the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend on the site shall be constructed such that the entire driveway section is placed directly above existing grade. No excavation for driveway construction shall be allowed with oak tree dripline protection areas except minor excavation associated with the installation of</p>			

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<p>piped aeration systems.</p> <p>e. Any pruning of an oak tree shall be supervised by a certified arborist. Branch and limb pruning shall be limited to that which has been deemed necessary by a certified arborist in order to correct a safety hazard, structural defect, crown cleaning or arborist recommended pruning in the tree. Pruning due to canopy encroachment by buildings shall be limited to the minimum amount needed to safely accommodate the structure. All pruning and deadwood removal shall be executed in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines". An ISA Certified Arborist shall supervise and tree pruning.</p> <p>f. All oak trees on site shall be pruned, as per arborist recommendations, prior to starting any site improvements. Any pruning of an oak tree shall be supervised by a certified arborist.</p> <p>g. No signs, ropes, cables (other than those which may be recommended by a certified arborist to provide limb support) or any other item shall be attached to the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend onto the site.</p> <p>h. No vehicles, construction equipment , mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiles or, located within the dripline area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto the site.</p> <p>i. No grading (grade cut or fills) shall be allowed within the dripline protection area of the on-site oak trees to be retained</p>			

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<p>and all portions of off-site oak trees which extend onto the site with the exception of approved encroachment areas on the Final Development Plans. If, in the opinion of the certified arborist, permitted grading in the dripline protection area is severe, then the affected tree shall be retained on-site but determined lost, and mitigation as required by the approving body shall be imposed.</p> <p>j. No trenching shall be allowed within the dripline protection area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto site. If it is absolutely necessary to install underground utilities within the dripline of the tree, the utility line shall be bored or drilled under the direct supervision of a certified arborist.</p> <p>k. Landscaping beneath the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend on the site include nonplant materials such as river gravel, woodchips, etc. The only plant species which shall be planted within the driplines of oak trees are those which are tolerant of the natural semiarid environs of the trees. Limited drip irrigation approximately monthly during late spring, summer and early fall is recommended for understory plants.</p> <p>l. No in the ground sprinkler or irrigation system shall be installed in such a manner that irrigates the ground within the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend onto the site. An "above ground drip irrigation system", drip lines placed on natural grade and all emitters shall be placed on grade, will be permitted under oak tree driplines. No trenching for irrigation lines will be permitted under dripline protection areas.</p>			

<p><u>Conditions of Approval / Mitigation Measures</u></p>	<p><u>Timing/ Implementation</u></p>	<p><u>Enforcement/ Monitoring</u></p>	<p><u>Verification (date and Signature)</u></p>
<p>m. Include all the above measures verbatim as Construction Notes on any/all Preliminary or Final Grading Plans, Improvement Plans and Building/Development Plans which are submitted to the Department of Public Works and/or Planning Department for each project, as well as any/all revisions to Plans which are subsequently submitted.</p> <p>n. Prior to installation of new asphalt, weed control chemicals shall not be applied where they can leach into dripline of any protected tree(s).</p> <p>o. During construction, the frequency and amount of water for protected trees shall not differ from that received prior construction.</p>			
<p>22. The Applicant shall 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.</p>	<p>Grading Permit and/or deemed needed by Public Works</p>	<p>Public Works</p>	
<p>23. The Applicant shall obtain applicable California Department of Fish and Game, U.S. Army Corps of Engineers, and other required state and federal permits. The conditions of such permits must be reviewed and considered acceptable by the City. The City will not accept any conservation or other conditional easements on the drainage courses to be conveyed to the City.</p>	<p>Prior to the Issuance of any permits for grading, building or any other site improvements.</p>	<p>Public Works</p>	
<p>24. The Applicant shall submit and obtain City approval of plans and specifications for the construction of public improvements and all grading. The drainage system shall be designed in accordance with the accepted Drainage Study to accommodate runoff from the ultimate development and shall meet the City of Elk Grove Improvement Standards, construction standards, storm water design standards, and City of Elk Grove Flood Plain Management Plan and Ordinance in effect at the time of Improvement Plan</p>	<p>Prior to Approval of Improvement Plans and Prior to issuance of Grading Permits</p>	<p>Public Works</p>	

<u>Conditions of Approval / Mitigation Measures</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>approval. Street gutter flowlines shall be designed to be above the 10-year frequency flood elevation and arterial and collector streets may be required to have lanes above the 100-year frequency flood elevation pursuant to the Floodplain Management Plan.</p>			
<p>25. Applicant shall prepare and submit a comprehensive drainage study and plan that includes but is not limited to: definition with mapping of the existing watersheds; a detailed pre- and post-project hydrologic and hydraulic analysis of the project and project impacts; definition of the local controlling 100-year frequency water levels existing and with project; and the proposed method of flow conveyance with adequate supporting calculations. The study shall include any proposed improvements to mitigate the impacts of increased runoff from the project and any change in runoff including quality, quantity, volume, and duration. The project shall not cause a net loss of storage, nor an increase in velocity, of drainage water within the 100-year floodplain. The study shall incorporate the City of Elk Grove Storm Water Capital Improvement Plan; be consistent with the ultimate upstream development in the General Plan, and any specific, area, or master plans; and shall conform to the City of Elk Grove Improvement Standards. It shall demonstrate that the proposed methods of flow conveyance mitigate the potential project impacts. The study shall further demonstrate that the lots on the proposed Final Map shall be outside the 100-year frequency floodplain after improvements are constructed in accordance with the policies in the City Floodplain Management Plan. Study must be completed and stamped by a Professional Engineer, and determined by the City to be comprehensive, accurate, and adequate.</p>	<p>Prior to Approval of Improvement Plans</p>	<p>Public Works</p>	
<p>26. The Applicant shall construct a turn around in accordance with Fire Department Standard and to the satisfaction of Public Work.</p>	<p>Improvement Plans</p>	<p>Public Works</p>	
<p>27. All driveways shall require an encroachment permit. At that time</p>	<p>Encroachment</p>	<p>Public Works</p>	

	<u>Conditions of Approval / Mitigation Measures</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	the curb, gutter, sidewalk and all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.	Permit		
28.	The Applicant shall test all water wells for arsenic at the time of construction.	Construction	Department of Water Resources	
29.	The Applicant shall participate in future groundwater management and well protection programs adopted by the Sacramento County Water Agency that are applied uniformly throughout Zone 40.	Construction	Department of Water Resources	
30.	The Applicant shall maintain the minimum separation between water wells and septic system seepage pits recommended by the California Department of Water Resources Well Standards, Bulletins 74-81 and 74-90 (currently 150 feet).	Construction	Department of Water Resources	
31.	The Applicant shall 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.	Construction	Department of Water Resources	
Prior to Final Map				
32.	The Applicant shall record a maintenance agreement involving all the parcels of the subject map assuring timely maintenance of 30' private road to the satisfaction of Public Works.	Final Map	Public Works	
33.	The Applicant shall provide reciprocal access easement agreement between the parcel to the north (APN#123-0180-001) and the parcels of this development. The location of the access point(s) must be to Public Works satisfaction and will be approved when these parcels are developed.	Final Map	Public Works	
34.	The Applicant shall dedicate Excelsior Road, east half section of 42' from the approved centerline. Improvement will be based on 84' modified collector in accordance with the City of Elk Grove	Final Map	Public Works	

	<u>Conditions of Approval / Mitigation Measures</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	Improvement Standards and to the satisfaction of Public Works.			
35.	All improvements shall be dedicated in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.	Final Map	Public Works	
36.	The Applicant shall dedicate a 12.5 foot public utility easement for underground and appurtenances adjacent to all public streets.	Final Map	Public Works	
37.	The proposed 30' private road and the existing driveway connection shall be pulled back 100' south of Excelsior Road right-of-way	Final Map	Public Works	
38.	The Applicant shall dedicate 30' private road as an easement to allow access for services such as utility and emergency vehicles.	Final Map	Public Works	
39.	The Applicant shall show proposed building locations, with primary septic field, a secondary replacement field and the location of a water well.	Final Map	Public Works	
40.	The Applicant shall perform test drilling for a water well in accordance with Sacramento Environmental Management Department and obtain a permit for the wells.	Final Map	Public Works	
41.	A percolation and mantle test will be performed on each proposed parcel. The Applicant shall perform a percolation and mantle test in accordance with Sacramento Environmental Management Department and obtain a permit for the septic system(s).	Final Map	Public Works	
42.	The Applicant shall place a statement on the Final Parcel Map that states that Excelsior Road frontage improvements shall be required to be constructed in accordance with City Standards and to the satisfaction of Public Works prior to issuance of any permits for development of any lot.	Final Map	Public Works	
43.	No new driveways will be taken from Excelsior Road. Dedicate Access rights (direct vehicular ingress and egress to Excelsior Road) to the City of Elk Grove, except for on existing driveway as shown on the tentative parcel map.	Final Map	Public Works	
44.	All drainage courses and appurtenant access roads to be	Prior to	Public Works	

<u>Conditions of Approval / Mitigation Measures</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
conveyed to the City shall be dedicated and conveyed in fee title, by the Applicant, as separate parcels. Underground pipelines and open channels shall be located in the public right-of-way or parcels to be conveyed to the City. Parcels to be conveyed shall be a minimum of 25 feet wide. The Applicant shall provide minimum 20 foot wide maintenance service roads along the entire water course(s) to be conveyed. No conditional easements shall be placed on these drainage parcels.	Recordation of Final Map and Prior to the Issuance of Building Permits		
45. The Applicant shall dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways.	Final Map	SMUD	
46. The Applicant shall dedicate any private drive, ingress and egress easement, and 12.5 feet adjacent thereto as a public utility easement for overhead and underground facilities and appurtenances.	Final Map	SMUD	
Prior to Issuance of Building Permit			
47. The Applicant shall improve Excelsior Road, east half section of 42' from the approved centerline. Improvement will be based on 84' modified collector 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	
48. Final Map shall be completed, approved and recorded prior to 1 st building permit.	Prior to issuance of 1 st Building Permit	Public Works	
49. At all street intersections, public or private, within one block of the proposed project, applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details.	Building Permit	Public Works	
50. All improvements shall be constructed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to 1 st Building Permit	Public Works	
51. The Applicant shall comply with the regulations of the Federal	Prior to issuance	Public Works	

	<u>Conditions of Approval / Mitigation Measures</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	Emergency Management Agency (FEMA) and the City of Elk Grove Flood Plain Management Ordinance. The lowest finished floor elevation for a habitable building will be a minimum of 1 (one) – foot above the 100-year frequency water level, certified by a registered Civil Engineer or licensed Land Surveyor, and submitted to the City. Amendments and/or revisions of FEMA flood insurance rate maps will be required for all development located in the federal or local flood zone. All FEMA map revisions (both CLOMR and LOMR) must be approved by the City and fully processed through FEMA. Completed revisions shall be placed on file with the City.	of Building Permits		
52.	The Applicant shall complete grading and construct all on-site and off-site drainage improvements in accordance with the approved Improvement Plans. Fulfill all requirements of federal and state permits. Receive acceptance by the City Council of public improvements.	Prior to issuance of Building Permits	Public Works	
53.	The Applicant or its successor in interest shall pay drainage Capital Improvement Plan fees in effect at the time of building permit application. The Applicant may pay a reduced fee due to the construction of Capital Improvement Plan drainage structures in lieu of full payment of fees when so stated in a separate credit or reimbursement agreement.	Prior to the issuance of each Building Permit	Public Works	
54.	Due to lack of fire flow, all homes built in this subdivision will be required to be fire sprinklered.	Building Permit	Fire Department	
55.	Prior to the issuance of building permits for the project, the project shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance to the satisfaction of the City's Landscape/Oak Tree Coordinator.	Prior to the Issuance of Building Permits	Department of Water Resources	
56.	The Applicant shall pay a fair share Zone 40 development fee based on the surface water element of the Zone 40 conjunctive use water systems as determined by the Sacramento County Water Agency (SCWA) prior to issuance of a building permit.	Prior to issuance of Building permit	Department of Water Resources	

<u>Conditions of Approval / Mitigation Measures</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
Prior to Occupancy				
57.	The Applicant shall submit Flood Elevation Certification for each structure.	Prior to Occupancy	Public Works	
58.	Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Occupancy	Public Works	

General Compliance Items for Building Permit

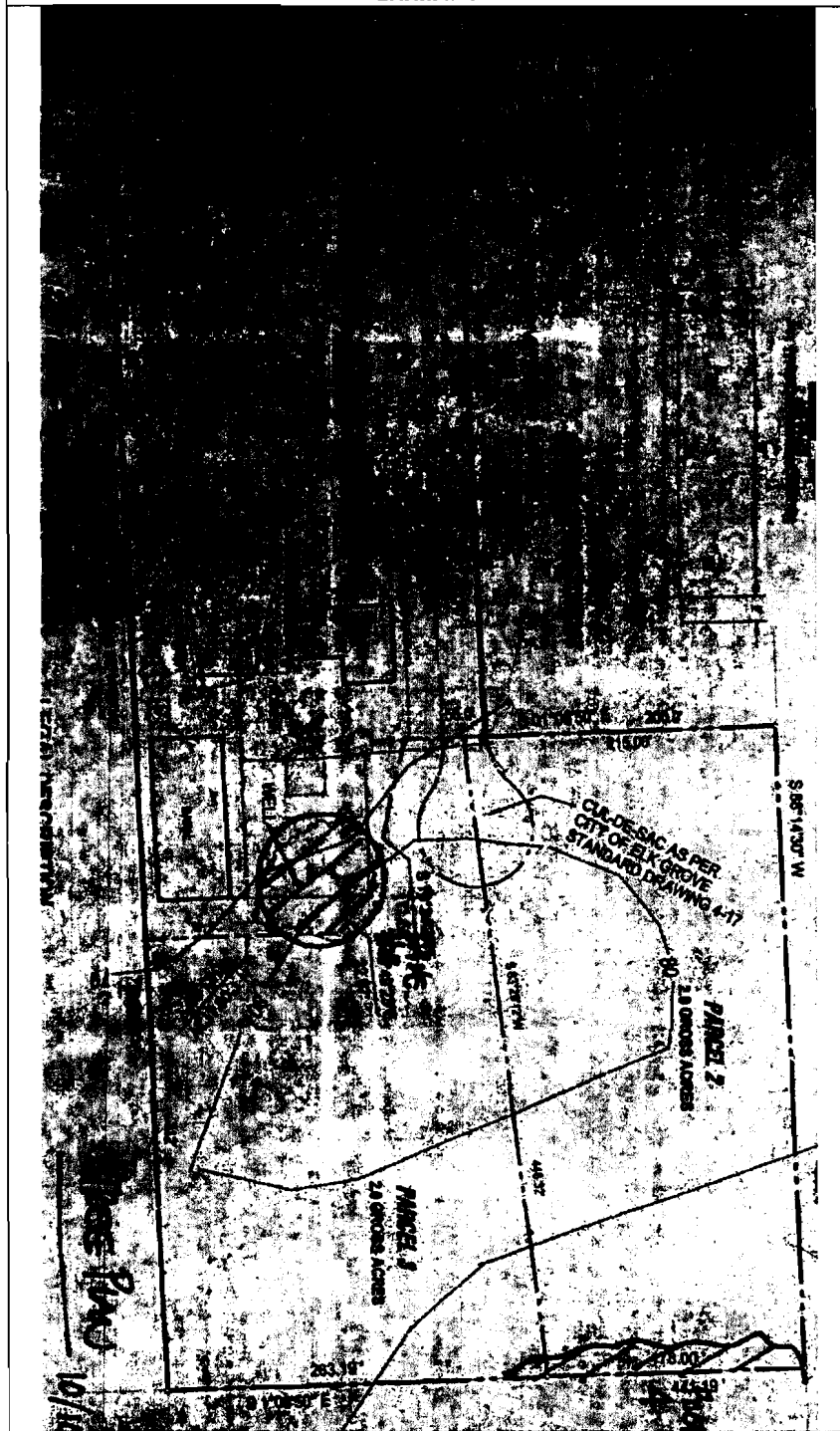
1. Dead-end streets in excess of 150 feet require emergency vehicle turn-around.
2. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
3. All civil engineering plans are required to be submitted in an electronic format. When plans are ready for final signature, it is required that the engineering firm submit an electronic copy of the complete plan as it appears in the approved printed plans with addresses. All electronic formats will be submitted on Windows/DOS formatted diskettes, zip disks or on compact disk (CD). E-mailed copies will not be accepted at this time. Electronic formats can be submitted in either of the following data transfer formats listed below:

DXF (Drawing Interchange file) any DXF version is accepted

DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted

4. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans.
5. 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 50% for concrete. The roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage.
6. Permits and/or fees are required for the following plans: site plans, architectural pla, fire sprinkler plan, fire alarm plan, and special extinguishing plans.
7. 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.
8. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls tree wells and/or all other traffic calming devices is subject to standards outlined by the Elk Grove Fire Department. All proposed traffic-mitigation plans shall be submitted to the Elk Grove CSD Fire Department for review and approval prior to installation.

Exhibit 1



**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-55**

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 22nd day of February by the following vote:

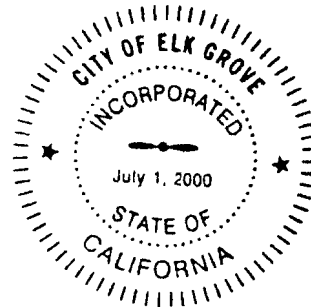
AYES 5: COUNCILMEMBERS: Briggs, Leary, Scherman, Cooper, Soares

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:

RECUSAL 0: COUNCILMEMBER:



A handwritten signature in cursive script, appearing to read "Peggy E. Jackson", written over a horizontal line.

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