

RESOLUTION NO. 2008-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP FOR THE VINEYARD KNOLLS RESIDENTIAL SUBDIVISION PROJECT NO. EG-06-1116, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, Michael Witt, represented by Kent Baker (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 121-0190-012; 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 Vineyard Knolls Residential Subdivision 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 area of 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 December 22, 2008 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 December 22, 2008 and closed on January 21 2008. The Mitigated Negative Declaration was made available to the public during this review period; and

WHEREAS, the City received written comment letters within the 30 day public review period and responded to those comments in the project staff report; and

WHEREAS, the City has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on April 17, 2008 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 Vineyard Knolls Residential Subdivision project 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 5 acre parcel is large enough to accommodate an 18 lot subdivision with new parcels that will meet the development regulations of the RD-4 Zoning District.
- d. The site is physically suitable for the proposed density of development. The project is designed to facilitate development of a new residential neighborhood consisting of 18 homes. The site is suitable to accommodate the 18 lots and infrastructure needed to serve the development. There are no significant topographical features that limit the potential for development of this land.
- 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 14th day of May 2008.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON,
ASSISTANT CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN,
CITY ATTORNEY

Conditions of Approval / Mitigation Monitoring and Reporting Program

<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 development approved by this action consists of a Tentative Subdivision Map for 18 single-family residential lots as described in project file EG-06-1116 (Vineyard Knolls), and illustrated in the project plans below: <ul style="list-style-type: none"> • Tentative Subdivision Map (received February 4, 2008) Any 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. Approval of the Vineyard Knolls Tentative Subdivision Map shall not take effect until the effective date of the Ordinance Rezoning the subject property from AR-5 to RD-4	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 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.	Planning	
5. The Applicant or future heirs and assigns (hereinafter 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	On-Going	Planning	

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approval of this permit. Applicant further agrees to provide a defense for the City in any such action.			
6. The Planning division shall be notified immediately if any prehistoric, archaeological, or paleontologic artifact is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.	On-Going	Planning	
7. All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.	On-Going	Planning	
8. Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Planning	
9. The owner/developer must disclose to future/potential owners the existing or proposed 69kV electrical facilities.	On-Going	Sacramento Municipal Utility District	
10. 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	Planning	
11. Construction and building activities will not commence before 7 am (including all equipment loading, unloading, mechanical repairs, washing, fueling) nor continue after 6 pm.	On-going	City of Elk Grove Development Services	
Prior to Site Disturbance			
12 • Preserve 1.0 acre of similar Swainson's hawk	Prior to any site	Planning Division	

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<p>- MM #1</p> <p>habitat for each acre of suitable habitat lost (5.0 acres minus previously developed area). This land shall be protected through a fee title or conservation easement acceptable to the CDFG and 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</p> <ul style="list-style-type: none"> • Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (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>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>		
Prior to Improvement Plan Approval			
<p>13. The Applicant shall be responsible for obtaining all necessary off-site property rights, including the cost associated therewith. If unable to obtain the necessary property rights the Applicant may enter into an agreement with the City, wherein the City agrees to utilize the eminent domain process at the applicant's expense after the applicant has made the requisite good faith effort to acquire the needed property. As an alternative, the Applicant may provide an alternative alignment, to the satisfaction of the City of Elk Grove and the Sacramento Area Sewer District, which does not require off-site acquisitions.</p>	<p>Improvement Plans</p>	<p>Public Works</p>	
<p>14. Any deviations from City Standards, not identified on the Tentative Map, shall be approved by Public Works. Otherwise, these deviations run the risk of not being</p>	<p>Improvement Plans</p>	<p>Public Works</p>	

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approved, potentially resulting in a redesign and requiring the project to go back to Planning Commission.			
15. The Applicant shall submit and obtain City approval of plans and specifications for the construction of public streetlights in accordance with the City of Elk Grove Improvement Standards, including any approved revisions thereto. Streetlight identification numbers during the first plan review as assigned by Public Works shall be added to plans.	Improvement Plans	Public Works	
16. The Applicant shall design and improve a pavement taper on Niemann Avenue to transition between proposed and existing improvements to the east of the project site. The taper shall be in accordance with City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Improvement Plans	Public Works	
17. All street structural sections shall be designed to City of Elk Grove Standards.	Improvement Plans	Public Works	
18. The 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	Improvement Plans	Public Works	

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<p>incorporate the City of Elk Grove Drainage 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 project lies outside the 100-year frequency floodplain after improvements are constructed in accordance with the policies in the City Floodplain Management Plan. The study must be completed and stamped by a Professional Engineer and determined by the City to be comprehensive, accurate, and adequate.</p>			
Prior to Final Map			
<p>19. The Applicant shall abandon the existing Irrevocable Offer of Dedication (I.O.D.) over Niemann Road (per Book 80-11-14 Page 1309, Official Records), with the Final Map as shown on the Tentative Subdivision Map, to the satisfaction of Public Works.</p>	Final Map	Public Works	
<p>20. The Applicant shall dedicate, design and improve the internal streets as shown on the Tentative Subdivision Map, with a 42' right-of-way width, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.</p>	Final Map	Public Works	
<p>21. The Applicant shall dedicate, design and improve the northerly half section of Niemann Avenue, 25' from the approved centerline. The Applicant shall also improve the southerly half section of Niemann Avenue, 8' from approved centerline, excluding curb, gutter, and sidewalk. Improvements shall be based on a 50' primary residential street in accordance with the City of Elk Grove Improvement Standards and to the</p>	Final Map	Public Works	

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satisfaction of Public Works.			
22. The Applicant shall quitclaim the private road easement over Niemann Avenue (per Book 13, Page 23 of Maps), as noted in Placer Title Company Report No. 404-6726, dated August 22, 2006, to the satisfaction of Public Works.	Final Map	Public Works	
23. The project area shall annex into Zone 2 of the Storm Water Drainage Utility Fee Area to fund the additional project related costs to maintain publicly-owned water drainage facilities, manage flood control, and execute the stormwater quality program. This annexation process may take several weeks. The project Applicant shall pay their fair share of the costs to annex into Zone 2. For rate information on this District, see www.elkgrovecity.org/utilities/rate-info.htm .	Final Map	Public Works	
24. The Applicant shall dedicate exclusive access rights (direct vehicular ingress and egress) along Niemann Avenue to the satisfaction the City of Elk Grove.	Final Map	Public Works	
25. The Applicant shall dedicate a 12.5-foot public utility easement for overhead and/or underground facilities and appurtenances adjacent to all public streets where such easements do not already exist.	Final Map	SMUD/Public Works	
26. Improvement plans must be approved by Public Works prior to recordation of final map.	Final Map	Public Works	
27. Water supply will be provided by the Sacramento County Water Agency	Final Map	Sacramento County Water Agency	
28. Provide separate public water service to each parcel and dedicate maintenance easements in all private streets over all water lines to the satisfaction of Sacramento County Water Agency prior to Final Map approval.	Final Map	Sacramento County Water Agency	

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29. 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, applicant shall use water from agricultural wells for grading and construction.	Final Map	Sacramento County Water Agency	
30. Prior to the final map, the project area shall annex into the Maintenance Mello-Roos Community Facilities District 2006-1 (CFD), to fund the project's fair share of landscape related maintenance costs associated with public parkways, public parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community center, recreation center, sports (including aquatic) facilities, cultural arts center, and water features, and maintenance of other related facilities. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see www.elkgrovecity.org/finance/financial-planning-division/cfd-information.htm .	Final Map	Finance	
31. 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 new development. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of	Final Map	Finance	

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<p>Intention to Levy Street maintenance Assessments. For further information on this district, see www.elkgrovecity.org/finance/financial-planning-division/assessment-other-dist-info.htm.</p>			
<p>32. Prior to the final map, the project area shall annex into a Mello-Roos Community Facilities District to fund a portion of the additional costs for police service related to serving new development. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see www.elkgrovecity.org/finance/financial-planning-division/cfd-information.htm.</p>	Final Map	Finance	
<p>33. Dedicate land or pay in lieu fees, or both, for park purposes, as required by and in accordance with the procedures and standards set forth in Chapter 22.40, Title 22 of the Elk Grove City Code.</p>	Final Map	Elk Grove CSD – Parks and Recreation	
<p>34. Connection to the District's sewer system shall be required to the satisfaction of the District. Sacramento County Improvement Standards apply to any on and off-site sewer construction.</p>	Final Map	Sacramento Area Sewer District	
<p>35. Each parcel and each building with a sewage source shall have a separate connection to the District sewer system.</p>	Final Map	Sacramento Area Sewer District	
<p>36. In order to obtain sewer service, construction of District sewer infrastructure will be required. Off-site</p>	Final Map	Sacramento Area Sewer District	

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construction may be necessary.			
37. Sewer easements may be required. All sewer easements shall be dedicated to the District, in a form approved by the District Engineer. All District sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. The District will provide maintenance only in public right-of-ways and in easements dedicated to the District.	Final Map	Sacramento Area Sewer District	
38. The subject project owner(s) and successors in interest thereof, shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives (such as stamped/colored/decorative concrete, concrete pavers, etc.) within these easements damaged by District maintenance and repair operations, including landscaping, channelizations, lighting, fountain area, sidewalk, and any other appurtenances conflicting therein. This requirement shall be set forth in easement grant documents and be a covenant running with the land, be responsibility of successors in interest in future land transfers and divisions and by language approved by the District. The District will only replace asphalt and standard concrete roadway/driveway disturbed due to maintenance/repair of its sewer line. If the repair is of decorative or stamped concrete, the District will only replace with standard concrete.	Final Map	Sacramento Area Sewer District	

Conditions of Approval / Mitigation Monitoring and Reporting Program

Conditions of Approval / Mitigation Measure		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
Prior to Building Permit				
39.	The trunk and collector sewer system for the project will not be accepted for operation and maintenance until the downstream sewer system serving the project is also accepted for operation and maintenance. All sewer facilities shall be accepted for operation and maintenance prior to issuance of a building permit.	Prior to issuance of Building Permit	Sacramento Area Sewer District	
40.	At all street intersections adjacent to the project, public or private, 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	
41.	The Applicant shall submit a Flood Elevation Certification for each structure. Alternative documentation of flood and lot elevations may be submitted, if determined to be adequate by Public Works.	Prior to issuance of Building Permit	Public Works	
42.	Prior to the issuance of any building permits for the project, the project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18.	Prior to issuance of Building Permit	SCWA and Building Department	
43.	Prior to the issuance of any building permits for the project, the project shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator.	Prior to issuance of Building Permits	SCWA and Planning	
44.	Applicant shall locate, identify on the map, and isolate any water well and any septic system that may be located on the parcel. Prior to any development, properly destroy any well and septic system under permits from Sacramento County Environmental	Prior to issuance of Building Permits	Community Enhancement and Code Compliance	

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
Health.			
45. The project applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance. For further information on development related fees, see the 2008 Development Related Fee Booklet at: www.elkgrovecity.org/finance/financial-planning-division/df-information.htm	Prior to issuance of Building Permits	Finance	
46. Prior to final inspection or occupancy of any structure on the site a Certificate of Conformance shall be provided to the City's landscape architect for approval.	Prior to Occupancy	Planning	
Public Improvements			
47. The Applicant shall submit, in addition to the complete set of record drawing improvement plans, a separate electronic file, in PDF format, of the record drawing/as-built plan sheets on the record drawing CD. Additionally, the Applicant shall complete and submit the City's drainage data spreadsheet, with complete data for all drainage structures installed, on the record drawing CD.	Prior to Acceptance of Public Improvements	Public Works	
48. Identification signage issued by Public Works shall be mounted by the Applicant during streetlight installation in accordance with the approved plans. Alterations to streetlight plans shall be updated on record drawings. The Applicant shall submit, in addition to the complete set of improvement plans, a separate electronic file, in PDF format, of only the streetlight plan sheets and voltage calculations on the record drawing CD. Additionally, the Applicant shall complete and submit the City's streetlight data spreadsheet, with complete data for all streetlights installed, on the record drawing CD.	Prior to Acceptance of Public Improvements	Public Works	

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Advisory			
49.	Applicants are also advised to review the Planned Fee Updates portion of the webpage, and are encouraged to sign up for email updates on both the 2008 Development Related Fee Booklet and the Planned Fee Updates links on the webpage (see upper right corner of these webpages). By signing up for email updates, you will receive an email notification every time these webpages change, which will assist you in planning costs associated with your project.	Advisory	Finance

General Information and Compliance Items:

The following items are noted for the Applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

- a. 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. (Public Works)
- b. The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site. (Public Works)
- c. Any improvements, public or private, damaged during construction shall be replaced, by the Applicant, in-kind or with new improvement. (Public Works)
- d. The Final Map shall be completed, approved and recorded prior to 1st Building Permit. (Public Works)
- e. Street (trench) cuts into existing streets require a separate encroachment permit and the payment of street cut fees, by the Applicant. Where multiple street cuts into the same street occur, a single, final surface (pavement) trench repair over all the trench cuts is required. Pavement grinding is required for the full length and width of the trenches. (Public Works)
- f. Streets shall be closed to the public until Department of Public Works, Division of Traffic Engineering and the project engineer determine the appropriate traffic control devices required and said 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. (Public Works)
- g. Improvement related conditions can be satisfied by completing an approved design, executing an improvement agreement and providing suitable financial security (e.g. bonds, letter of credit, etc), all to the satisfaction of the City, prior to the implementation timing required by the condition. (Public Works)
- h. The Applicant shall design and construct all improvements in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works. (Public Works)
- i. The Applicant shall design and construct all driveways in accordance with Section 4-10 of the City Improvement Standards to the satisfaction of Public Works. (Public Works)
- j. All driveways and intersections shall conform to the visibility easement requirement in the City of Elk Grove Improvement Standards. (Public Works)
- k. 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 approval. Street gutter flowlines shall be designed to be above the 10-year frequency flood elevation pursuant to the Floodplain Management Plan. (Public Works)
- l. 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. (Public Works)

- m. 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. (Public Works)
- n. The Applicant shall comply with the regulations of the Federal 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. (Public Works)
- o. The Applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be executed 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. These measures shall be consistent with the City's Improvement Standards and the Land Grading and Erosion Control Ordinance. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board for approval and to the City for review. During construction, the Applicant shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. The project Applicant shall implement Best Management Practices (BMPs) in accordance with the SWPPP and the City of Elk Grove Improvement Standards. (Public Works)
- p. In order to mitigate erosion and sediment control problems on the project site, the project 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) will be filed to obtain coverage under the California State Water Resources General Construction Activity Storm Water Permit. Permits are issued by the State Water Resources Control Board, which can provide all applicable information to complete and file the necessary documents. Applicant shall comply with the terms of the general construction permit, the City of Elk Grove Municipal Code, and the NPDES Waste Discharge Requirements for the City of Elk Grove Municipal Storm Sewer Discharges. (Public Works)

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-109**

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


I, Susan J. Blackston, Assistant 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 May 14, 2008 by the following vote:

AYES : **COUNCILMEMBERS:** *Hume, Scherman, Davis,*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper, Leary*


**Susan J. Blackston, Assistant City Clerk
City of Elk Grove, California**