

RESOLUTION NO. 2019-100

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE
CEQA GUIDELINES SECTION 15162 AND APPROVING AMENDMENTS TO THE
CONDITIONS OF APPROVAL FOR THE APPROVED ERMANDAROLD ESTATES
PROJECT EG-02-340 (PLNG18-083):**

ASSESSOR PARCEL NUMBER 122-0230-001, -003, -004, -005 AND -006

WHEREAS, the Development Services Department of the City of Elk Grove (the "City") received an application on August 27, 2018, from Rose's Engineering Geology & Survey Inc., (the "Applicant") requesting a several amendments to the Conditions of Approval for the Approved Ermandarold Estates Project EG-02-340 (PLNG18-083) (the "Project"); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN 122-0230-001, -003, -004, -005 and -006; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000 et seq.; and

WHEREAS, Section 15162 (Subsequent EIRs and Negative Declarations) of the California Code of Regulations, Title 14 ("State CEQA Guidelines") states that no further environmental review is required under CEQA for projects where no subsequent EIR or Negative Declaration is required because no new significant effects and no new information of substantial importance have been identified by the lead agency (City); and

WHEREAS, based on staff's review of the Project, no further environmental review is required as the request would modify conditions of approval to reduce pavement widths for the approved street system and prohibit a gated neighborhood. Potential environmental impacts were analyzed as part of the Initial Study/Mitigated Negative Declaration (IS/MND) certified as part of the Ermandarold Estates Project (EG-02-340). The Project continues to be subject to the previously-adopted Mitigation Monitoring and Reporting Program; and

WHEREAS, the Development Services Department considered the Project request pursuant to the Elk Grove General Plan; the Elk Grove Municipal Code (EGMC) Title 22 (Land Development) and Title 23 (Zoning Code); the Elk Grove Design Guidelines, and all other applicable State and local regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove finds that no further environmental review is required under the California Environmental Quality Act (CEQA) for the Project pursuant to State CEQA Guidelines Sections 15162 based upon the following finding:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required for the Project under CEQA pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations).

Evidence: CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (State CEQA Guidelines Section 15378). The proposed Project is a project under CEQA.

Consistent with State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), no further environmental analysis is required. State CEQA Guidelines Section 15162 specifies that when an EIR has been certified for an adopted project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that there are new significant impacts due to a change in the project or circumstances, or there is new information of substantial importance requiring a further EIR. Potential environmental impacts were analyzed as part of the Initial Study/Mitigated Negative Declaration (IS/MND) certified as part of the Ermandarold Estates Project (EG-02-340). The Project continues to be subject to the previously-adopted Mitigation Monitoring and Reporting Program (MMRP). The original approval includes rural residential uses and mitigation measures consistent with the land uses included in the recently adopted General Plan Update and Environmental Impact Report (SCH# 2017062058). As part of the construction plan review, all mitigation measures will be reviewed and approved by the appropriate agency for compliance with current standards and practices.

The proposed Project requests several amendments to the Conditions of Approval for the approved Ermandarold Estates Project (EG-02-340). These amendments are intended to bring the project's design into compliance with the Elk Grove Rural Roads Improvement Standards for paved street widths and to remove a condition allowing gated neighborhoods consistent with the General Plan Update. The Project continues to be subject to the previously-adopted MMRP. The setting for the Project has not significantly changed since the adoption of the environmental document. Surrounding properties have remained with the same General Plan land use and zoning designations since approval of the original Project. The condition amendments, if approved, will not result in physical changes to the environment beyond the scope of the originally approved Project and hence does not have the potential for causing a significant effect on the environment. Therefore, the previously-adopted IS/MND is sufficient and, pursuant to State CEQA Guidelines Section 15162 which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

AND BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby approves amendments to the approved Tentative Subdivision Map conditions of approval for the Project as described in Exhibit A and subject to the amended conditions of approval in Exhibit B (all incorporated herein by this reference), based upon the following findings:

Tentative Subdivision Map

Finding #1: None of the findings (a) through (g) below in Section 66474 of the California Government Code that require a City to deny approval of a tentative map apply to this project.

- 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 is 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.

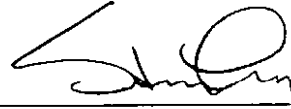
Evidence #1: For items a-g above, the proposed Project is consistent with the General Plan Rural Residential (RR) designation and the AR-2 zone by maintaining minimum two-acre parcel sizes as required by the General Plan. The proposed subdivision design, lot sizes, and lot configurations are consistent with the EGMC development standards for rural residential lot configuration. The amended conditions will bring the Project further into compliance with City standards and will help increase the Project's feasibility to ensure construction. Therefore, the site is physically suitable for the development as the Project is consistent with the rural residential requirements and has been conditioned to comply with all applicable development standards.

Finding #2: The amended conditions are consistent with the standards and policies of the City's General Plan, the Elk Grove Rural Area Community Plan, and applicable City zoning and improvement standards.

Evidence: The conditions of approval for this project have been reviewed and updated consistent with the policies of the General Plan Rural Area Community Plan and the Elk Grove Rural Road Policies and Standards that were adopted after the Project's original approval. The conditions would allow for reduced pavement width for the approved streets and would remove a condition that allowed for consideration of a

gated neighbor as they are now prohibit in the Elk Grove Rural Area. All improvements will be designed and constructed as provided in the Elk Grove Rural Road Standards and City Improvement Standards.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of May 2019



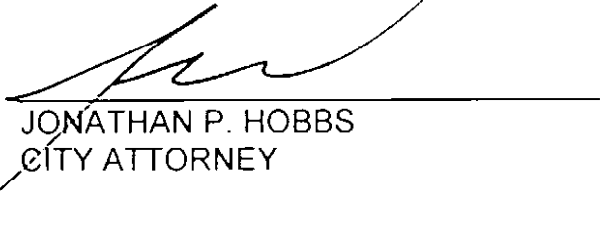
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS
CITY ATTORNEY

Exhibit A
Ermandarold Estates Amendment Project (PLNG18-083)
Project Plans

PROJECT DESCRIPTION

The Project consists of several amendments to the Conditions of Approval for the approved Ermandarold Estates Project (EG-02-340). These amendments are intended to bring the street system design into compliance with the Elk Grove Rural Roads standards for paved street width and the General Plan Rural Area Community Plan for prohibition of gated neighborhoods.

**Exhibit B
Ermandarold Estates Amendment Project (PLNG18-083)
Project Plans**

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	The development approved by this action is for a Rezone and Tentative Subdivision Map, as described in the City Council report, and associated Exhibits and Attachments dated November 3, 2004.	On-Going	City of Elk Grove Development Services - Planning	
2.	This action does not relieve the Applicant (including future successors and assigns) of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	City of Elk Grove Development Services - Planning	
3.	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	City of Elk Grove Development Services - Planning	
4.	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	City of Elk Grove 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	City of Elk Grove Development Services - Engineering	
6.	The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	City of Elk Grove Development Services - Engineering	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
7. Streets shall be closed to the public until Department of Engineering, 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 Engineering. 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 Engineering.	On-Going	City of Elk Grove Development Services - Engineering	
8. In the event that internal improvements and facilities are not dedicated to the City, including but not limited to streets, drainage and street lighting, then such facilities shall be privately maintained in accordance with City standards and criteria.			
9. If an access control gate is proposed at any time in the future, the request shall be forwarded to the Planning Commission for review. If the request is approved by the Planning Commission, the applicant shall obtain City of Elk Grove Engineering Department approval—the geometrics of the entry design prior to its installation.	On-Going	City of Elk Grove Development Services --Engineering	
10. Construction activities will not commence before 7 am (including all equipment loading, unloading, mechanical repairs, washing, fueling) nor continue after 6 pm.	On-going	Development Services - Planning	

Prior to Grading/Improvement Plans/Final Map

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>11. The project shall comply with the City's Land Grading and Erosion Control Ordinance.</p>	<p>Prior to approval of Improvement Plans</p>	<p>City of Elk Grove Development Services - Engineering</p>	
<p>12. The Applicant shall note required mitigation requirements in all construction contracts and shall require the use of Best Available Control Technologies (BACT), including but not limited to the requirements listed below. Proof of these contractor requirements shall be provided to the City prior to the issuance of grading permits. The required mitigation measures to be noted are as follows:</p> <ul style="list-style-type: none"> • The project applicant and/or prime contractor shall comply with SMAQMD Rule 403 that requires taking reasonable precautions to prevent the emissions of fugitive dust, such as "using water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the construction of roadways, or the clearing of land" where possible and applying "asphalt, oil, water, or suitable chemicals on dirt roads, materials, stockpiles, and other surfaces which can give rise to airborne dust." • Clean earth-moving construction equipment with water once per day. • Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less. • Use low-emission on-site stationary equipment whenever possible. • Encourage construction employees to carpool to the work site. • Minimize idling time to 10 minutes. • Maintain construction equipment through regular and proper maintenance. 	<p>Prior to approval of Improvement Plans</p>	<p>City of Elk Grove Development Services - Planning</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<ul style="list-style-type: none"> All material transported offsite shall be either sufficiently watered or securely covered to prevent public nuisance. During initial grading, earthmoving, or site preparation a 100-foot paved (or palliative-treated) apron shall be constructed, extending onto the construction site from the adjacent paved road(s) where vehicles and equipment egress. 			
<p>13. (Mitigation Measure 4) Prior to any site grading or other site improvements, such as clearing and grubbing, a pre-construction survey shall be conducted by a qualified biologist contracted by the Applicant or by the City and funded by the Applicant. The survey shall be conducted within 30 days of the start of construction activities for a 1/2-mile radius. In addition, a survey of the project site and areas within 500 feet of the project site shall be conducted once in April and once in May. If active Swainson's hawk's nests are found, the applicant shall consult with the Department of Fish and Game (CDFG) and clearing and construction shall be postponed or halted until all young have fledged and additional nesting attempts no longer occur. If a nest tree is found on the subsequent project site prior to construction and is proposed for removal, then appropriate permits from CDFG shall be obtained and mitigation implemented pursuant to CDFG guidelines.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> Prior to issuance of building or grading permits, the Applicant shall provide Development Services-Planning written verification that a qualified biologist has been retained to perform the pre-construction survey. This action may be waived if the biologist will be contracted by the city at the applicant's expense. 	<p>Prior to grading or other site improvements</p>	<p>City of Elk Grove Development Services - Planning, in consultation with California Department of Fish and Game (CDFG)</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<ul style="list-style-type: none"> • No earlier than 30 days before commencement of construction activities, including land clearing, the qualified biologist shall submit and certify to the Planning Director, the results of the pre-construction survey. Failure to submit the required survey results will delay the approval to initiate construction activities, including land clearing. • No later than April 30, the qualified biologist shall submit and certify to the Planning Director, the results of the 500-foot site perimeter survey. Failure to submit the required survey results will cause any construction activity to be halted until such results are submitted and approved by the Planning Director. If no construction activities have taken place, failure to submit the required survey results will delay the approval to initiate construction activities, including land clearing. • No later than May 31, the qualified biologist shall submit and certify to the Planning Director, the results of the 500-foot site perimeter survey. Failure to submit the required survey results will cause any construction activity to be halted until such results are submitted and approved by the Planning Director. If no construction activities have taken place, failure to submit the required survey results will delay the approval to initiate construction activities, including land clearing. 			
<p>14. (Mitigation Measure 5) The Applicant shall implement one of the City of Elk Grove's approved mitigation alternatives as set forth below.</p> <p><u>Monitoring Action</u></p> <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</p>	<p>Prior to grading or other site Improvements</p>	<p>City of Elk Grove Development Services - Planning, in consultation with CDFG</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>first, the 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 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; <p>OR,</p> <ul style="list-style-type: none"> o Implement a Swainson's hawk mitigation plan to the satisfaction of the CDFG that includes the preservation of Swainson's hawk foraging habitat; <p>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>Prior to the approval of any grading and/or building permits for the development of the site, the Applicant shall submit to the City a copy of any/all required CDFG or USFWS permits and verification of any required consultation.</p>			
15.	<p>Prior to grading or other site improvements</p>	<p>City of Elk Grove Development Services - Planning, in consultation with CDFG</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>a field survey shall be conducted by a qualified biologist to determine if active nests of burrowing owls, tricolored blackbirds, and other special-status species occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone. In the event that nesting raptors (other than Swainson's hawk) are found, a 250-foot no-construction zone shall be established around the nest until the young have fledged, as determined by a qualified biologist. The applicant shall consult with CDFG to determine the measures necessary to mitigate or avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG prior to disturbance of the site. Mitigation measures may include flagging the burrow to avoid disturbance, passive relocation, active relocation to move owls from the site, or other measures required by the biologist or CDFG.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • <i>Prior to the approval of any grading and/or building permits for the development of the site, applicant or project owner shall submit to the City a copy of any/all required CDFG or USFWS permits and verification of any required consultation.</i> • <i>Prior to the commencement of any clearing, grading or construction, the applicant shall submit to Development Services – Planning for approval, a copy of the survey results including evidence of consultation with CDFG and their recommendations, if applicable.</i> 			
16. (Mitigation Measure 7) No grading or other construction activities shall be conducted on the project site 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	Noted on Improvement Plans; On-going	City of Elk Grove Development Services – Planning. in consultation with	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>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 proximity to ditches, canals, ponds, wetlands or other such areas, as determined through consultation with CDFG and/or FWS. 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. This mitigation measure shall be included as a note on all grading and improvement plans.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • <i>Prior to approval of grading/ improvement plans, Development Services-Planning shall verify that the above mitigation is included on the plans.</i> 		<p>CDFG and US Fish and Wildlife Service (USFWS)</p>	
<p>17. (Mitigation Measure 8) The applicant shall prepare and implement a mitigation plan for the loss of Giant Garter Snake habitat in consultation with and to the satisfaction of the USFWS and CDFG. This mitigation plan shall be based on a survey conducted in accordance with USFWS protocol (1999) within the active period of the snake, which extends from April 15 through May 1.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • <i>Prior to the issuance of any grading permit or improvement plan, the applicant shall provide Development Services-Planning written verification, in the form of authorizations to perform the necessary surveys, that the required consultation with USFWS and CDFG has occurred.</i> • <i>Prior to final inspection, the applicant shall submit to Development Services-Planning a copy of the final mitigation plan as approved by USFWS and CDFG as well as any applicable CDFG or USFWS permits.</i> 	<p>Prior to grading or other site improvements</p>	<p>City of Elk Grove Development Services – Planning, in consultation with CDFG and USFWS</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>18. (Mitigation Measure 9) Prior to any site grading or other site improvements, such as clearing and grubbing, a pre-construction environmental training and pre-construction surveys shall be conducted and construction activities shall be monitored by a qualified biologist.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • <i>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.</i> • <i>Within 30 days prior to commencement of construction activities including clearing and grubbing, Construction personnel shall participate in a worker environmental awareness program approved by the U.S. Fish and Wildlife Service. Under this program, workers shall be informed about the presence of giant garter snakes and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of the Federal Endangered Species Act. A qualified biologist approved by the Service shall instruct all construction personnel about: (1) the life history of the giant garter snake and (2) the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the giant garter snake. Proof of this instruction shall be submitted to the City and the Sacramento U.S. Fish and Wildlife Office. This mitigation measure does not apply to land areas where surveys within the active period of the snake have been conducted and no snakes were found.</i> • <i>Within 30 days prior to commencement of construction activities including clearing and grubbing, the Applicant shall submit to USFWS and</i> 	<p>Prior to grading or other site improvements, including clearing and grubbing; Monitoring activities on-going</p>	<p>City of Elk Grove Development Services – Planning, in consultation with CDFG and USFWS</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>Development Services-Planning for approval, the results of a pre-construction survey. The survey shall include all land within 200 feet of all wetlands, channels, ponds, and other such waterways within the plan area and shall be conducted by a qualified biologist retained by the City and funded by the project applicant who is approved by the US Fish and Wildlife Service's Sacramento Office. In order to protect snakes, de-watering of areas within the site shall not occur prior to completion of the pre-construction surveys.</p> <ul style="list-style-type: none"> • During Construction, the biologist will provide the Service with 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 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 			

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
<p>City Planning for authorization to allow construction activities to resume.</p> <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 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 occurred.</p> <ul style="list-style-type: none"> • After completion of construction activities, any temporary fill and construction debris shall be removed and, wherever feasible, disturbed areas shall be restored to pre-project conditions. Restoration work may include such activities as replanting species removed from banks or replanting emergent vegetation in the active channel. The qualified biologist shall provide Planning written certification that this monitoring action has been completed in accordance with its requirements. 			

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>19. (Mitigation Measure 10) Prior to the dewatering of any ponds, ditches, canals and other such areas, pre-construction surveys shall be conducted and construction activities monitored by a qualified biologist.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • <i>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.</i> • <i>After November 1, but no later than April 1 of the following year, dewatering of ponds, ditches, canals and other such areas may begin any time, once the absence of the species is determined or implementation of Mitigation Measure 9 has been completed. All water must be removed by April 15th, or as soon thereafter as weather permits, and the habitat must remain dry without any standing water for 15 consecutive days after April 15 and prior to excavating or filling the dewatered habitat. This mitigation measure does not apply to land areas where surveys within the active period of the snake have been conducted and no snakes were found.</i> • <i>During any bank excavation or crossing of Tributary 1, a biological monitor shall be present to check for giant garter snakes. If any snakes are encountered they shall be allowed to move out of harm's way on their own. Capture and relocation of trapped or injured individuals shall only be attempted by personnel or individuals with current USFWS recovery permits. Any incidental take shall be reported to the USFWS at (916) 414-6600. the</i> 	<p>Prior to the dewatering of any ponds, ditches canals, or other such areas; Monitoring activities on-going</p>	<p>City of Elk Grove Development Services – Planning, in consultation with CDFG and USFWS</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>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>20. (Mitigation Measure 11) In order to reduce adverse impacts to the Northwestern pond turtle due to construction activities to a less than significant level, pre-construction surveys shall be conducted and construction activities monitored by a qualified biologist.</p> <p><u>Monitoring Actions</u></p> <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. • 30 days prior to the onset of construction activities including clearing and grubbing, a focused survey for Northwestern pond turtle shall be conducted by a qualified biologist to determine presence or absence of this species. If construction is planned after April 1st, this survey shall include looking for turtle nests within the construction area (see Mitigation Measures 8 - 10 regarding the timing of construction activities). If turtles are found within the proposed construction area, the individuals shall be moved out of the construction site under consultation with CDFG and USFWS. If a nest is found within the construction area, construction 	<p>Prior to grading or other site improvements, including clearing and grubbing; Monitoring activities on-going</p>	<p>City of Elk Grove Development Services – Planning, in consultation with CDFG and USFWS</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>shall not take place within 30 m (100 feet) of the nest until the turtles have hatched, or the eggs have been moved to an appropriate location under consultation with CDFG and USFWS. Unless otherwise approved by the CDFG and the USFWS, construction shall be avoided when adults and hatchlings are overwintering (October-February), due to the likelihood of turtle adults and juveniles being present in upland habitats. If construction activities must occur during this time frame, a survey for overwintering locations shall be conducted within two weeks prior to construction. If this species is found overwintering, den locations shall be avoided until the area is unoccupied, as determined by a qualified biologist.</p> <ul style="list-style-type: none"> • <i>Within 30 days prior to commencement of construction activities including clearing and grubbing</i>, a worker awareness program shall be established and implemented. All construction personnel shall participate in a pre-construction training session to be carried out in combination with the Environmental Awareness Program required under Mitigation Measure 9. The program shall include, at a minimum, species identification, a description of suitable habitat for this species, and measures to implement in the event that this species is found during construction. The program shall be presented to all members of the construction crew. In the event that a turtle is found during project implementation, construction activities shall stop until the turtle is moved by a qualified biologist to a safe location outside of the construction zone. 			
21.	(Mitigation Measure 12) In order to mitigate potential adverse impacts to special status plants, pre-	Prior to grading or other site	City of Elk Grove Development Services

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>construction surveys shall be conducted by a qualified biologist to determine the presence of special status species likely to occur on the site.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • <i>Prior to approval of grading and improvement plans</i>, Development Services – Planning shall verify that the following monitoring actions are included as notes on all grading and improvement plans. • <i>Prior to construction activities including clearing and grubbing</i>, a qualified biologist shall conduct a survey for the following species: dwarf downingia (<i>downingia pusilla</i>), legenera (<i>legenera limosa</i>), Bogg's Lake hedge-hyssop (<i>Grafiola heterosepala</i>) Sanford's arrowhead (<i>Sagittaria sanfordii</i>) and slender arcut grass (<i>Orcuttia tenuis</i>). If any of these species are found on-site, and cannot be avoided, a transplanting program will be undertaken (if feasible) to move the plant to suitable habitat off-site or credits will be purchased by the developer at an approved mitigation bank, at the discretion of the City of Elk Grove and the CDFG. Construction activities shall not commence until the results of this survey are submitted to City of Elk Grove and the CDFG for approval. 	<p>Improvements, including clearing and grubbing; Monitoring activities on-going</p>	<p>– Planning, in consultation with CDFG</p>	
<p>22. (Mitigation Measure 13) Prior to the start of any construction activities (including clearing and grubbing) on the project site, the Applicant shall consult with USFWS regarding impacts on vernal pool invertebrate habitat as part of the 404 permit process. Based on USFWS criteria, each acre of habitat directly or indirectly affected would require preservation of two acres (2:1 ratio) of vernal pool habitat within an off-site USFWS-approved preservation bank or three acres (3:1 ratio) of habitat on-site. Also, for every acre of habitat</p>	<p>Prior to grading or other site improvements, including clearing and grubbing; Monitoring activities on-going</p>	<p>City of Elk Grove Development Services – Planning, in consultation with USFWS</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>directly affected, either one acre (1:1 ratio) of habitat must be created within the off-site USFWS-approved habitat mitigation bank, or two acres (2:1 ratio) of habitat must be created on-site.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • <i>Prior to the start of construction activities including clearing and grubbing</i>, the Applicant shall provide Development Services – Planning written verification that appropriate permits from the U.S. Fish and Wildlife Service (USFWS) have been obtained or a statement from USFWS indicating that no permits from that agency are needed. 			
<p>23. (Mitigation Measure 14) In order to reduce adverse impacts to wetland resources present on the project site to a less than significant level, the Applicant shall do the following:</p> <ol style="list-style-type: none"> 1. The Applicant shall delineate the extent of jurisdictional waters of the U.S. to be impacted by the proposed project and apply for a Section 404 permit from the U.S. Army Corps of Engineers (Corps). As part of this process, an appropriate mitigation plan shall be developed to address impacts on vernal pools invertebrate habitat. Wetland areas that would be lost or disturbed shall be replaced or rehabilitated on a "no-net-loss" basis. On-site creation of wetland habitat is preferred to off-site mitigation. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the Corps and City. <p><u>Monitoring Action</u></p> <ul style="list-style-type: none"> • <i>Prior to issuance of any permits for grading, building or any other site improvements, including off-site improvements, or the reclamation of any</i> 	<p>Prior to grading or other site improvements, including clearing and grubbing; Monitoring activities on-going</p>	<p>City of Elk Grove Development Services – Planning; U.S. Army Corps of Engineers (Corps); RWQCB</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p><i>Final Maps, the Applicant shall provide Development Services – Planning written verification that appropriate permits from the U.S. Army Corps of Engineers (Corps) have been obtained or a statement from the Corps indicating that no permits from that agency are needed.</i></p> <p>2. The applicant shall obtain a Section 401 water quality waiver of certification from the RWQCB.</p> <p><u>Monitoring Action</u></p> <ul style="list-style-type: none"> • <i>Prior to issuance of any permits for grading, building or any other site improvements, including off-site improvements, or the recordation of any Final Maps, the applicant shall provide Development Services – Planning written verification that the appropriate water quality waiver of certification from the Regional Water Quality Control Board has been obtained.</i> <p>3. A mitigation plan shall be implemented that includes <u>one</u> of the following:</p> <ul style="list-style-type: none"> (a) Completion of an onsite Mitigation and Monitoring Plan that includes onsite creation/preservation of the wetlands; or (b) Credits may be obtained at an approved mitigation bank. <p><u>Monitoring Action</u></p> <ul style="list-style-type: none"> • <i>Prior to issuance of any permits for grading, building or any other site improvements, including off-site improvements, or the recordation of any Final Maps, the Applicant shall provide Development Services – Planning written verification that the mitigation plan or credit acquisition has been reviewed and approved by</i> 			

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>the U.S. Army Corps of Engineers and the Regional Water Quality Control Board.</p>			
<p>24. (Mitigation Measure 15) In order to reduce potential adverse impacts to the existing stream channel and adjacent riparian habitat to a less than significant level, the applicant shall incorporate the following features to the project design:</p> <ol style="list-style-type: none"> 1. Re-vegetation shall include native plant species. Any use of non-native species shall be limited to those approved by the City Arborist. Plant species considered to be invasive shall be prohibited. 2. Consistent with the characteristics of the watershed, public safety, and other site-specific considerations, the realignment of the channel shall retain the natural characteristics of the stream, such as topographic diversity and variation, including: <ul style="list-style-type: none"> • "Self-sustaining" meander characteristics. • Berms. • Naturalized side slope, and • Varied channel bottom elevation 3. All storm drainage improvements shall be designed, where feasible, to maintain water flows necessary to protect and enhance existing habitat, native riparian vegetation, water quality, and/or ground water recharge. 	<p>Prior to the issuance of any permits for grading or other site improvements, including off-site improvements, or recordation of a Final Map; Monitoring activities on-going</p>	<p>City of Elk Grove Development Services - Planning, in consultation with CDFG, Corps</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>4. Improvements in watercourses shall be designed for low maintenance and to accommodate peak flows with vegetation (including mitigation plantings) in the channel. Channel modifications shall retain marsh and riparian vegetation whenever possible.</p> <p>5. Except where approved by the City as part of the development of a public or private development project, no grading, clearing, tree cutting, debris disposal or any other similar action shall be allowed in stream corridors except for normal channel maintenance.</p> <p>6. A Stream Buffer Zone shall be established that measures at least 50 (fifty) feet from the stream centerline (total width of 100) feet or more, and shall include:</p> <ul style="list-style-type: none"> a) Sufficient width for a mowed fire-break (where necessary), access for channel maintenance and flood control, and for planned passive recreation uses. b) Sufficient width to provide for: <ul style="list-style-type: none"> 1) Quality and quantity of existing and created habitat; 2) Presence of species as well as species sensitivity to human disturbance; 3) Areas for regeneration of vegetation; 4) Vegetative filtration for water quality; 5) Corridor for wildlife habitat linkage; 6) Protection from runoff and other impacts of urban uses adjacent to the corridor; and 7) Trails and greenbelts. 			

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>c) The stream buffer zone shall not include any above-ground water quality treatment structures designed to meet pollutant discharge requirements.</p> <p>7. Trails along stream corridors shall be located to minimize wildlife impacts and shall be restricted to non-motorized traffic.</p> <p>8. Uses in the stream corridors shall be limited to recreation and agriculture, if compatible with resource protection and flood control measures. Roads, parking, and associated fill slopes shall be located outside of the stream corridor, except at stream crossings.</p> <p>9. Stream crossings shall be minimized and be aesthetically compatible with the natural appearance of the stream channel. The use of bridges and other stream crossings with natural (unpaved) bottoms shall be encouraged to minimize impacts to natural habitat.</p> <p>10. Open space lands within a stream corridor shall be required to be retained as open space as a condition of development approval for projects that include a stream corridor. Access to the stream for maintenance purposes shall be remain unencumbered.</p> <p><u>Monitoring Action</u></p> <ul style="list-style-type: none"> • <i>Prior to issuance of any permits for grading, building or any other site improvements, including off-site improvements, or the recordation of any Final Maps, the Applicant shall submit Development Services - Planning for approval final plans for the stream channel, including a re-vegetation plan showing the</i> 			

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>implementation of the above features. Stream corridor design may be developed in coordination with other agency approval process, such as CDFG or Corps.</p> <p>(Mitigation Measure 16) 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> <ol style="list-style-type: none"> 1) A circle with a radius measurement from the trunk of the tree to the lip of its longest limb shall constitute the dripline protection area of each tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and defines the minimum protected area of each tree. Removing limbs that make up the dripline does not change the protected area. 2) Preliminary and Final Grading Plans, Improvement Plans, and Building /Development Plans shall show all protected trees, tree numbers, trees' protected dripline areas and shall show the location of the required protective temporary fencing on all plans. 	<p>Conditions shall be noted on any/all Preliminary and Final Grading Plans, Improvement Plans and Building/ Development Plans Prior to Grading or other site improvements</p>	<p>City of Elk Grove Development Services - Planning.</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>3) Any protected trees on the site that require pruning shall be pruned by a certified arborist prior to the start of construction work. All pruning shall be in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines." Employ a firm with certified tree workers to clean up and make safe any of the trees scheduled to remain. Workers shall remove dead and severely rotted branches, eliminate crossed or rubbing branches, install cabling as needed and provide any aesthetic shaping needed to better balance one-sided trees. Do not allow workers to use spurs while climbing. Avoid any damage to branch collars.</p> <p>4) Temporary protective fencing shall be installed at least one foot outside the driplines of the protected trees prior to initiating construction in order to avoid damage to the tree canopies and root systems. Show temporary protective fencing on all improvement plans.</p> <p>5) No signs, ropes, cables (except those which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the trees. Small metallic numbering tags for the purpose of preparing tree reports and inventories shall be allowed.</p> <p>6) No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of protected trees.</p> <p>7) No grading (grade cuts or fills) shall be allowed within the driplines of protected trees.</p>			

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>8) Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any protected tree.</p> <p>9) No trenching shall be allowed within the driplines of protected trees. If it is absolutely necessary to install underground utilities within the dripline of a protected tree, the utility line shall be bored and jacked under the supervision of a certified arborist.</p> <p>10) The construction of impervious surfaces within the driplines of protected trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist.</p> <p>11) No sprinkler or irrigation system shall be installed in such a manner that it sprays water or requires trenching within the driplines of protected trees. An above-ground drip irrigation system is recommended.</p> <p>12) 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 which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the underslory plants.</p> <p>13) Prior to the installation of new asphalt, weed control chemicals shall not be applied where they can leach into the dripline of any protected trees.</p> <p>14) During construction the frequency and amount of watering for protected trees shall not differ from that received prior to construction.</p> <p>15) Clearing of weeds and debris from the protected dripline area shall be done by hand. Use</p>			

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>weed eaters to remove weeds and grasses and do not disturb the natural grades within protected dripline area.</p> <p>(Mitigation Measure 17) Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first, a Tree Replacement Planting Plan shall be prepared by a certified arborist or landscape architect to mitigate for the loss of trees as defined above that would be adversely affected by the project. The Plan shall comply with the City Code and General Plan policies and be submitted to the City for review. The 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 1-1, including the 10-foot depth boring hole to provide for adequate drainage; 4) Planting, irrigation and maintenance schedules; 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>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first</p>	<p>City of Elk Grove Development Services – Planning</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<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 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 sprays water or requires trenching within 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</p>			

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.</p>			
27.	<p>(Mitigation Measure 18) The Applicant shall prepare and implement a Stormwater Pollution and Prevention Plan (SWPPP). The SWPP shall 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 countermeasure plans describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City's Drainage Manual and Land Grading and Erosion Control Ordinance may include (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 Laguna Creek; 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 and approval.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • Prior to the issuance of any permits for grading, building or any other site improvements, the SWPPP shall be submitted to Development 	<p>Prior to the issuance of any permits for grading, building or any other site improvements; Monitored during all phases of site grading and construction</p>	<p>City of Elk Grove Development Services – Engineering, RWQCB</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>Services, Planning and Engineering for review and approval.</p> <ul style="list-style-type: none"> • <i>Prior to the issuance of any permits for grading, building or any other site improvements, the Applicant shall be submit Development Services, Planning written verification that the SWPP has been reviewed and approved by the Central Valley Regional Water Quality Control Board.</i> 			
<p>28. (Mitigation Measure 19) The Applicant shall conduct a detailed soils survey, percolation test and laboratory test to determine the expansion potential and stability of the soil for development of the site. If it is determined that the area contains expansive soils, the following mitigation measures shall be employed:</p> <ul style="list-style-type: none"> • Expansive soils can be excavated and replaced with non-expansive materials. The required depth of excavation shall be specified by a registered civil engineer based on actual soil conditions; • Expansive soils may be treated in place by mixing them with lime. Lime-treatment alters the chemical composition of the expansive clay minerals such that the soil becomes non-expansive; or, • Implement other engineering practices for mitigation of expansive soil conditions considered appropriate by the City of Elk Grove. Development Services – Engineering. <p><u>Monitoring Action</u></p> <ul style="list-style-type: none"> • <i>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first the Applicant shall submit to Development Services, Planning and Engineering for approval a copy of</i> 	<p>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first</p>	<p>City of Elk Grove Development Services – Engineering</p>	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>the Soils Survey, percolation Test and Laboratory Test.</p>			
29.	<p>(Mitigation Measure 20) In order to ensure that no adverse impacts occur from the installation of wastewater disposal systems on the project site, the applicant shall follow the following measures:</p> <ol style="list-style-type: none"> 1. Sewage disposal requirements for this project shall be established through soils percolation testing. All soils testing shall be performed by a Registered Civil Engineer, Registered Sanitarian, or Registered Geologist, and shall be conducted in accordance with the Rules and Regulations Regarding Minimum Requirements for the Design, Construction and Installation of Individual Sewage Disposal Systems, adopted pursuant to Sacramento County Code Section 6.32.130. Any deviation from these regulations must receive prior approval of the Health Officer. 2. No Final Subdivision Maps shall be recorded, and no permits for grading, building or any other site improvements shall be issued by City Development Services until a permit for on-site sewage disposal has been issued by the County Health Officer. A permit will not be issued for any work (new or repair) until the application has been approved. 3. In order to assure that no future water quality or public health problems occur, a Public Entity (Septic Tank Maintenance District) shall be required to be formed for this subdivision, at the discretion of the Sanitarian. <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • <i>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the</i> 	<p>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first</p>	<p>County Department of Health, City of Elk Grove Development Services – Engineering</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>subject property, whichever occurs first the Applicant shall submit to Development Services, Planning written verification that a permit for on-site sewage disposal has been issued by the Sacramento County Health Officer.</p> <ul style="list-style-type: none"> • Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first the Applicant shall submit to Development Services, Planning written verification that a Septic Tank Maintenance District has been established for the Subdivision. 			
<p>30. (Mitigation Measure 21) In order to ensure that the proposed project will not result in a violation of any water quality standard or wastewater discharge requirements, the applicant shall:</p> <ol style="list-style-type: none"> 1. Dedicate drainage easements, and install facilities pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code. 2. Off-site drainage improvements and easements shall be provided pursuant to the City of Elk Grove Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards. 3. On-site source and treatment control measures are required for this project in accordance with the latest version of the City of Elk Grove Improvement Standards, Volume 2 of the City/County Drainage Manual, Hydrology Standards, and Guidance Manual of On-site Storm Water Quality Control Measures. This may entail a detention basin for 	<p>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first</p>	<p>City of Elk Grove Development Services – Engineering</p>	

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>stormwater quality purposes, or joint-use of flood control detention. In all cases, source control measures on the improvement plans will include provision of a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each inlet. Other on-site source and treatment control measure(s) should also be used in accordance with specific residential activities referenced in the Guidance Manual. The final design of the proposed on-site source and treatment controls will be approved by the City of Elk Grove Engineering.</p> <p>4. Obtain applicable California Department of Fish & Game and U.S. Army Corps of Engineers permits prior to grading plan or improvement plan approval.</p> <p><u>Monitoring Action</u></p> <ul style="list-style-type: none"> • <i>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first, the Applicant shall submit to Development Services, Engineering written verification that the above measures have been fully satisfied.</i> 			
<p>31. (Mitigation Measure 22) In order to reduce the proposed project's adverse impacts to groundwater supplies to a less than significant level, the applicant shall comply with the following measures:</p> <ol style="list-style-type: none"> 1. The construction, operation and maintenance of domestic water wells shall comply with the provisions of Chapter 6.28 of Title 6 of the Sacramento County Code relating to well and pump standards. 2. No Final Subdivision Maps shall be recorded, and no permits for grading, building or any other site 	<p>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first</p>	<p>County Department of Health, Elk Grove CSD Fire, City of Elk Grove Development Services – Engineering</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>improvements shall be issued by City Development Services until a permit for on-site water wells has been issued by the County Health Officer. A permit will not be issued for any work (new or repair) until the application has been approved.</p> <p>3. Private wells shall provide sufficient flow and pressure to supply residential sprinkler systems within each residence, to the satisfaction of the Elk Grove CSD Fire Department.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • <i>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first</i> the Applicant shall submit to Development Services, Planning, written verification that an on-site water wells permit has been issued by the County Health Officer. • <i>Prior to issuance of grading permits, the Applicant shall provide Development Services, Planning, written verification that the Elk Grove CSD Fire Department has approved and determined that each proposed well will provide sufficient flow and pressure to supply residential sprinkler systems within each residence.</i> 			
32.	<p>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject</p>	<p>City of Elk Grove Development Services – Engineering</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>Management Ordinance, and Improvement Standards.</p> <p>2. Ultimate channel improvements to Laguna Creek Tributary # 1 on the project site shall be completed prior to issuance of any building permits.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • <i>Prior to the issuance of building permits, the applicant shall submit to Development Services, Planning written verification that the Conditional Letter of Map Revision has been approved by FEMA.</i> 	<p>property, whichever occurs first</p>		
<p>33. No residential driveways will be taken from Bader Road and Cherrington Lane. Relinquish access rights (direct vehicular ingress and egress to both Bader Road and Cherrington Lane) to the City of Elk Grove on the final map.</p>	<p>Prior to Final Map</p>	<p>City of Elk Grove Development Services – Engineering</p>	
<p>34. The channel/creek must meet City standards, including but not limited to having a maintenance access road along the channel. The maintenance access road shall be minimum 10-foot wide AC or PCC and an additional 6-foot wide decomposed granite (or similar material) path shall be built adjacent to the maintenance road for other uses.</p>	<p>Prior to Improvement Plans</p>	<p>City of Elk Grove Development Services – Engineering</p>	
<p>35. Dedicate and improve Cherrington Lane based on 40: minor residential street in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Engineering. A minimum of 26' of pavement must be constructed excluding shoulder. At the discretion of the Public Works Director, the Applicant shall dedicate, design and construct Cherrington Lane in accordance with the Elk Grove Rural Road Improvement Standards. The City may agree to defer some or all of these improvements and collect a</p>	<p>Prior to Final Map</p>	<p>City of Elk Grove Development Services – Engineering</p>	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<u>contribution in-lieu of design and construction of the improvements in accordance with City Municipal Code Chapter 12.03.</u>			
36.	<p><u>Improve all internal public 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. A minimum of 26' of pavement must be constructed excluding shoulder. All private streets shall be dedicated as easements for access to the City of Elk Grove. The Applicant shall dedicate, design and construct all internal streets as a Local Road (<400 ADT) in accordance with the Elk Grove Rural Road Improvement Standards. All private streets shall be dedicated as easements for access to the City of Elk Grove.</u></p>	Prior to Final Map	City of Elk Grove Development Services - Engineering	
37.	<p><u>Dedicate and improve Bader Road, east half section of 30' from the approved centerline, for an ultimate right-of-way of 60'. Improvement will be based on 60' collector in accordance with City of Elk Grove Improvement Standards and to the satisfaction of Public Works. The Applicant shall dedicate, design and construct the easterly half section of Bader Road, based on a Collector Road in accordance with the Elk Grove Rural Road Improvement Standards. The City may agree to defer some or all of these improvements and collect a contribution in-lieu of design and construction of the improvements in accordance with City Municipal Code Chapter 12.03.</u></p>	Prior to Final Map	City of Elk Grove Development Services - Engineering	
38.	<p>Dedicate a 12.5 foot public utility easement for underground and or overhead facilities and appurtenances adjacent to all public/private streets.</p>	Final Map	City of Elk Grove Development Services - Engineering	
39.	<p>Provide a pedestrian access easement for the pedestrian path within the channel/creek.</p>	Prior to Final Map	City of Elk Grove Development Services - Engineering	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
40.	Improvement plans must be approved by Engineering prior to City Council approval of Final Map.	Prior to Final Map	City of Elk Grove Development Services – Engineering	
41.	Improvements shall be designed and installed to the City of Elk Grove Improvement Standards or to the satisfaction of Engineering.	Prior to Improvement Plans	City of Elk Grove Development Services – Engineering	
42.	All improvements shall be dedicated in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Engineering.	Prior to Final Map	City of Elk Grove Development Services – Engineering	
43.	Display on the Final Map the overlaid release points for the 100-year flood.	Prior to Final Map	City of Elk Grove Development Services – Engineering	
44.	Submit a properly description and a copy of the approved map to the City of Elk Grove for the inclusion of this development to the City of Elk Grove Stormwater Utility.	Prior to Final Map	City of Elk Grove Development Services – Engineering	
45.	Per City Standard, cul-de-sac shall be 600 feet or less unless approved by the Fire Department.	Prior to Final Map	City of Elk Grove Development Services – Engineering	
46.	If the project is to be phased, submit a phasing plan for Engineering review and approval, prior to the 1 st improvement plan submittal.	Prior to Improvement Plans	City of Elk Grove Development Services – Engineering	
47.	Provide the channel/creek 100-year water surface elevation in plan and profile for both the pre-development condition and the post-development condition.	Prior to Improvement Plans	City of Elk Grove Development Services – Engineering	
48.	Show the 100-year flood plain for the post-development condition. This may require a CtOMR-F depending on your grading requirements. Until a grading plan is developed with elevations and limits of the 100-year flood plain are known, meeting FEMA requirements are unknown. (Note: Final Map will show pre-development flood plain on mcip).	Prior to Improvement Plans	City of Elk Grove Development Services – Engineering	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
49. The culvert under "B" Court access road as currently shown requires that the invert slope of the creek be sagged which would make the culvert act as a siphon which is not acceptable to the City hydraulically. The situation needs to be changed so the slope of the creek does not have a sag where it passes under B Court. In addition the low flow portion may require widening to accommodate the proposed culvert.	Prior to Improvement Plans	City of Elk Grove Development Services - Engineering	
50. Drainage improvement plans shall be constructed as approved by the City of Elk Grove. Drainage easements, pursuant to the Sacramento County Floodplain Management Ordinance, shall be dedicated and provided on the Final Subdivision Map, or dedicated by grant deed prior to the issuance of building permits. Drainage facilities shall be installed prior to the issuance of building permits pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.	Prior to Improvement Plans	City of Elk Grove Development Services - Engineering	
51. Provide calculation and layout showing drainage areas and the pipe capacity in conformance with the 1996 Hydrology Standards Volume II and City of Elk Grove Improvement Standards. Show the manner in which overland flows are to be conveyed for a point of discharge.	Prior to Improvement Plans	City of Elk Grove Development Services - Engineering	
52. All streets shall be designed above the 100-year flood plain elevation.	Prior to Improvement Plans	City of Elk Grove Development Services - Engineering	
53. Provide calculations showing development of 100-year flows and 100-year water surface elevation.	Prior to Improvement Plans	City of Elk Grove Development Services - Engineering	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
54.	Demonstrate that the open ditches adjacent to the internal streets and Bader Road have adequate capacity to meet the requirements of section 9-24 of the improvement standards.	Prior to Improvement Plans	City of Elk Grove Development Services - Engineering	
55.	Provide a drainage easement adjacent to the east side of Bader Road and all internal streets, for the drainage ditch.	Prior to Improvement Plans	City of Elk Grove Development Services - Engineering	
56.	If the channel/creek is to be dedicated to the City for maintenance, the channel/creek must meet City standards, including but not limited to having a maintenance access road along the channel.	Prior to Improvement Plans	City of Elk Grove Development Services - Engineering	
57.	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, Engineering, Drainage. Additionally at least buildable area of 0.5 acres of each proposed parcel is required to be outside the 100-year flood. These requirements appear not to be met on the tentative map. Lots unable to meet this minimum requirement shall be unbuildable and either consolidated with an adjacent lot or a deed restriction shall be recorded against the lot. Provide hydraulic calculations as to the manner the 100-year water surface elevation was calculated.	Prior to Final Map	City of Elk Grove Development Services - Engineering	
58.	(Mitigation Measure 2) In accordance with City Improvement Standards, no street lights shall be required or installed within the project site. Street lights required to be installed at the Bader Road entrances shall be low wattage Class 'B' or similar lighting, and concentrated on the intersections. This mitigation measure shall be included as a note in the improvement plans. <u>Monitoring Actions</u>	Prior to Improvement Plans	Development Services - Planning	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<ul style="list-style-type: none"> • <i>Prior to approval of improvement plans.</i> Development Services-Planning shall verify that the improvement plans include a note containing the lighting restrictions per this mitigation measure. 			
59. City standard street lighting (safely lighting) with full cut-off will be required at all intersections per Improvement Standard 5-1 and 5-2.	Prior to Final Map	Development Services - Planning	
60. The Applicant shall disclose to all buyers of property within the subdivision that surrounding agricultural properties and uses may continue in perpetuity, subject to the provisions of the Right to Farm Ordinance dated July 10, 1990. The Applicant, or his successors, shall include such disclosure in any Covenants, Conditions and Restrictions recorded for the project and shall require each homebuyer to sign such a disclosure. A note to this effect shall be placed on the final subdivision map prior to recordation. <u>Monitoring Actions</u> <ul style="list-style-type: none"> • <i>Prior to recordation of the final map,</i> the Applicant shall submit Development Services-Planning for approval, a copy of the CC&R showing the inclusion of the right to farm disclosure. • <i>Prior to issuance of building permits,</i> the Applicant shall provide proof to Development Services-Planning that a Notice to Purchaser has been recorded against each property containing the right to farm disclosure. 	Prior to Final Map	Development Services - Planning	
61. The Applicant shall dedicate land or pay in-lieu fees, or both, for park purposes, as required by and in accordance with the standards set forth in Chapter 22.40, title 22 of the City of Elk Grove Code.	Prior to Final Map	EGCSD Parks and Recreation and Engineering	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
62.	<p>Prior to approval of Improvement Plans, the project must demonstrate the following items to the satisfaction of the Department of Water Resources:</p> <ol style="list-style-type: none"> Provide non-potable water for use during grading and construction, which could be an agricultural well; Destroy all abandoned wells on the project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned wells on the improvement plans for the project; 	Prior to Improvement Plans	Sacramento County - Department of Water Resources Water Supply	
63.	<p>The Applicant shall record a notice which states: "Notice to Purchaser - The applicant, owner or successor in interest shall notify each potential home buyer that he/she is purchasing a home near rural farming activities – right to farm." This shall be done in the form of a disclosure statement.</p>	Recorded at time of Final Map	Engineering	
64.	<p>Fencing located on the perimeter and within the project shall consist of open components, such as wrought iron or tubular steel, which may be supported by masonry pilasters. Fencing within and around the project shall not consist of solid masonry or wood, or slatted chain link. The Applicant, or his successors, shall include such disclosure in any Covenants, Conditions and Restrictions recorded for the project and shall require each homebuyer to sign such disclosure. A note to this effect shall be placed on the final subdivision map prior to recordation. Perimeter fencing shall be erected prior to final building inspection.</p>	Noted on Final Map prior to recording. erected prior to final building inspection.	Development Services, Planning	
65.	<p>A 25 foot easement along Badier Road shall be reserved for landscaping with a pedestrian easement.</p>	Prior to Final Map	Engineering	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
66. The Applicant shall submit a property description and a copy of the approved tentative map to the City of Elk Grove for the inclusion of this development to the City of Elk Grove Stormwater Utility.	Prior to Final Map	Engineering	
67. The Applicant shall record a maintenance agreement involving all the parcels of the subject map assuring timely maintenance of all interior streets.	Prior to Final Map	Engineering	
68. In the event that internal improvements and facilities are not dedicated to the City, including but not limited to streets, drainage and street lighting, the Applicant shall dedicate 'A', 'B' and 'C' Streets and 'A' and 'B' Courts as an easement to allow access for services such as utility and emergency vehicles.	Prior to Final Map	Engineering	
69. The Applicant shall provide an access easement for the maintenance of the drainage channel to the satisfaction of Engineering.	Prior to Final Map	Engineering	
70. 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.	Prior to Final Map	Engineering and SMUD	
71. The Applicant shall dedicate the 25 foot Landscape Easement as a public utility easement for underground and or overhead facilities and appurtenances.	Prior to Final Map	Engineering and SMUD	
72. The Applicant shall provide drainage easements to offset proved impacts, as necessary, at no cost of the City of Elk Grove pursuant to the Sacramento County Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.	Prior to Final Map	Engineering	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
73.	Prior to the final map, 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 annexation being complete.	Prior to Final Map	City of Elk Grove Finance	
74.	Prior to the final map, the project area shall annex into Street Maintenance Assessment District #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 annexation being complete.	Prior to Final Map	City of Elk Grove Finance	
75.	Final Map shall be completed, approved and recorded Prior to issuance of 1 st Building Permit.	Prior to issuance of building permit	Engineering	
76.	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.	Prior to issuance of building permit	Engineering	
77.	Submit Flood Elevation Certification for each structure.	Prior to issuance of building permit	Engineering	
78.	(Mitigation Measure 1) In order to mitigate adverse impacts from new sources of light and glare from buildings to a less than significant level, the applicant, or successors in the project, shall disclose to all buyers of property within the subdivision that spotlights, floodlights, reflectors, or other types of lighting may be used to illuminate buildings, patios and landscaped areas, but such lighting shall be focused and equipped with lenses or other devices to ensure that the	Prior to issuance of building permit	Development Services - Planning	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>illumination is screened and/or directed away from adjacent properties. Such a disclosure shall be included as a note in the Final Map and in any Covenants, Conditions and Restrictions (CC&R) recorded for the project and shall be signed by each homebuyer prior to occupancy.</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • Prior to recordation of the final map, the applicant shall submit Development Services-Planning for approval, a copy of the CC&R showing the inclusion of the lighting restrictions per this mitigation measure. • Prior to issuance of building permits, the applicant shall provide proof to Development Services-Planning that a Notice to Purchaser has been recorded against each property containing the lighting restrictions per this mitigation measure. 			
79.	The project shall pay all applicable City of Elk Grove administered development impact fees prior to building permit issuance.	Prior to issuance of building permit	City of Elk Grove Finance	
80.	All homes in this development will be required to be fire sprinklered.	Prior to issuance of Occupancy	EGCSD Fire Department	

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-100

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

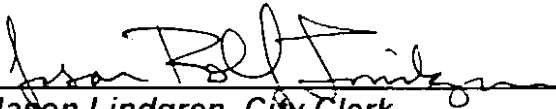
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 22, 2019 by the following vote:

AYES: **COUNCILMEMBERS:** *Ly, Hume, Detrick, Nguyen, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California