

**ORDINANCE NO. 13-2004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING THE ELK GROVE ZONING MAP FROM AR-5  
TO AR-2 FOR ANDERSON REZONE / TENTATIVE PARCEL MAP  
PROJECT NO. EG-03-471**

The City Council of the City of Elk Grove does ordain as follows:

**Section 1: Purpose and Authority**

The purpose of this Ordinance is to amend the Elk Grove Zoning Map as shown on attached Exhibit A.

**Section 2: Findings**

**CEQA**

**Finding:** The proposal will not have a significant adverse impact on the environment and a 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 there is no substantial evidence that the project will have a significant adverse impact on the environment.

The City also determined that there is no evidence before them that the project will have any potential for a significant adverse individual or cumulative effects on wildlife resources.

**General Plan**

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

**Evidence:** The Anderson Rezone / Tentative Parcel Map has been designed to be consistent with the land use densities and design standards of the Elk Grove General Plan.

**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 and staff report, and has received public testimony at a duly noticed public hearing regarding

the matter. As described above, the applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. The proposed project is consistent with the General Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

### Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 122-0260-091 as shown on attached Exhibit A subject to the findings contained in this Ordinance.

### Section 4: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

### Section 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

### Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption or on approval of the modifications to conditions 37 and 38, whichever occurs later. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).


PASSED AND ADOPTED by the City Council of the City of Elk Grove this 19<sup>th</sup> day of May 2004.

  
\_\_\_\_\_  
SOPHIA SCHERMAN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

*for*   
\_\_\_\_\_  
PEGGY E. JACKSON,  
CITY CLERK

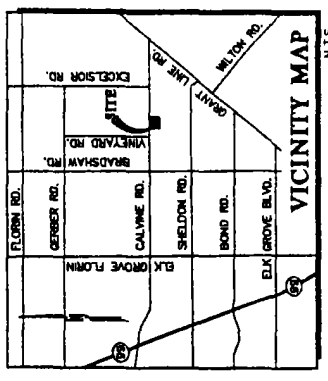
  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**Effective Date: June 18, 2004**

**AYES: Scherman, Soares, Briggs, Leary, Coop**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: None**

# TENTATIVE PARCEL MAP

PARCEL B AS SHOWN ON THE PARCEL MAP  
ENTITLED LOTS 9 THROUGH 14, 34 AND PORTIONS  
OF LOTS 8, 15 AND 33 OF KILDONAN OAKS,  
13 BM 38" FILED IN BOOK 96 OF PARCEL MAPS, PAGE 10  
SACRAMENTO COUNTY, CALIFORNIA  
1"=60'  
NOVEMBER 2003  
REVISED: MARCH 1, 2004



**OWNER:**  
EUGENE R. ANDERSON  
TERESA ANDERSON  
DAVID N. ALEXANDER  
SANDRA H. ALEXANDER

**ENGINEER/APPLICANT:**  
CLAYBAR ENGINEERING  
9354 ELK GROVE - FLOREN ROAD  
ELK GROVE, CA 95624  
PH: 916-884-7301  
OFF: 916-884-7302  
FAX: 916-884-7304  
CONTACT: DENNIS BARKSDALE, P.E.

**APN: 122-0260-091**

**PRESENT USE:** AR-5  
**PROPOSED USE:** AR-2  
**WATER:** PRIVATE WELL  
**SANITATION:** PRIVATE SEPTIC  
**SCHOOL DISTRICT:** ELK GROVE SCHOOL DIST.  
**FIRE DISTRICT:** ELK GROVE FIRE DIST.  
**PARK DISTRICT:** ELK GROVE C.S.D.  
**STREET:** PUBLIC, 60' R/W

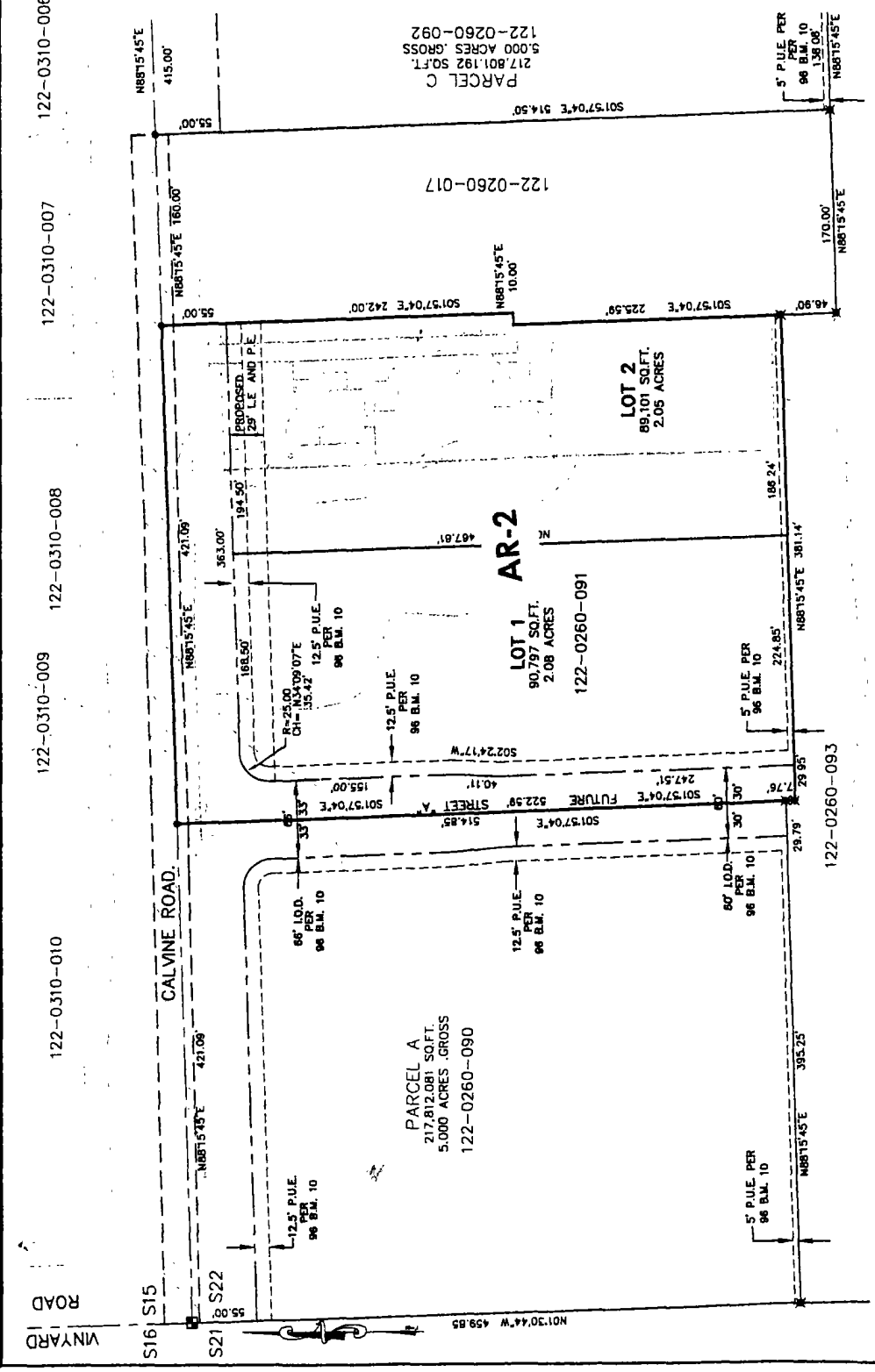
**NUMBER OF LOTS: 2**  
**TOTAL AREA:** 217,808 SF - GROSS  
5.00 ACRES± - GROSS  
179,888 SF - NET  
4.13 ACRES± - NET

**LOT 1 AREA:** 90,797 SF  
2.08 ACRES±

**LOT 2 AREA:** 89,101 SF  
2.05 ACRES±

THIS PROPERTY IS REGULATED BY THE  
REQUIREMENTS OF THE SACRAMENTO  
COUNTY TREE PRESERVATION ORDINANCE.

**CLAYBAR ENGINEERING**  
PMB 227, SUITE 3  
8354 ELK GROVE - FLOREN ROAD  
ELK GROVE, CA 95624  
PH: 916-884-7301  
FAX: 916-884-7304



**LEGEND**  
L.E. - LANDSCAPE EASEMENT  
P.E. - PEDESTRIAN EASEMENT  
P.U.E. - PUBLIC UTILITY EASEMENT  
L.O.D. - IRREVOCABLE OFFER OF DEDICATION  
SQUFT-SQUARE FEET

