

ORDINANCE NO. 18-2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-5 TO RD-5 FOR FRENCH ESTATES PROJECT NO. EG-05-902 – APN: 115-0170-035-0000

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 City of Elk Grove Zoning Map as shown on attached Exhibit A.

Section 2: Findings

CEQA

Finding: On the basis of the whole record, there is no substantial evidence that the project as designed and conditioned will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

Evidence: An Initial Study evaluating the potential environmental effects of the project was prepared for the proposed project. Potentially significant adverse effects related to agricultural and biological resources were identified in the Initial Study. Mitigation Measures have been imposed on the project and the Applicant has agreed to implement proposed mitigation measures that avoid the impacts or reduce the impacts to a less than significant level. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the Negative Declaration on December 28, 2005. It was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on December 30, 2005 and closed on January 30, 2006. The Negative Declaration was made available to the public during this review period. Written comment letters were received. As a result of the comments and additional information provided, clarifications and corrections to the initial study were made, but do not alter the analysis or conclusions of the circulated initial study. No new information was provided that would require the recirculation of the initial study.

General Plan

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

Evidence: The Elk Grove General Plan designates the site Low Density Residential. The subject project which subdivides two agricultural-residential lots to create 50 new residential parcels conforms to the low density residential designation and all applicable policies of the General Plan. The site is suitable for residential development and is consistent with surrounding parcels, which consist of low density residential uses.

Rezone

Finding: The proposed rezone is in the public interest (Section 65358(a) of the Government Code.

Evidence: The Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. The proposed rezoning meets all applicable standards of the Elk Grove Zoning Code. The proposed project implements the General Plan's objectives for 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 115-0170-035-0000 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.

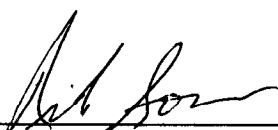
Section 5: Severability.

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. 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 10th day of May 2006.




RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

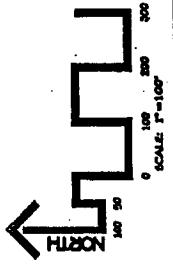
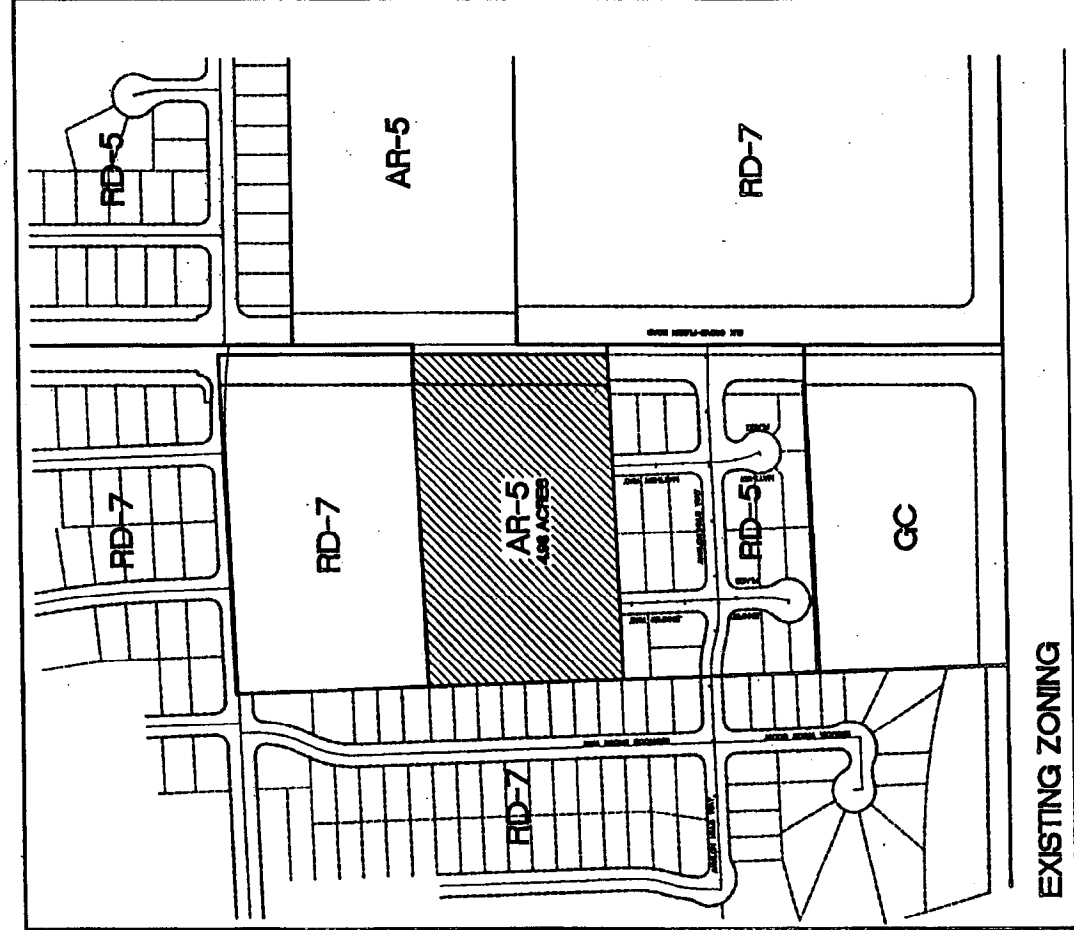
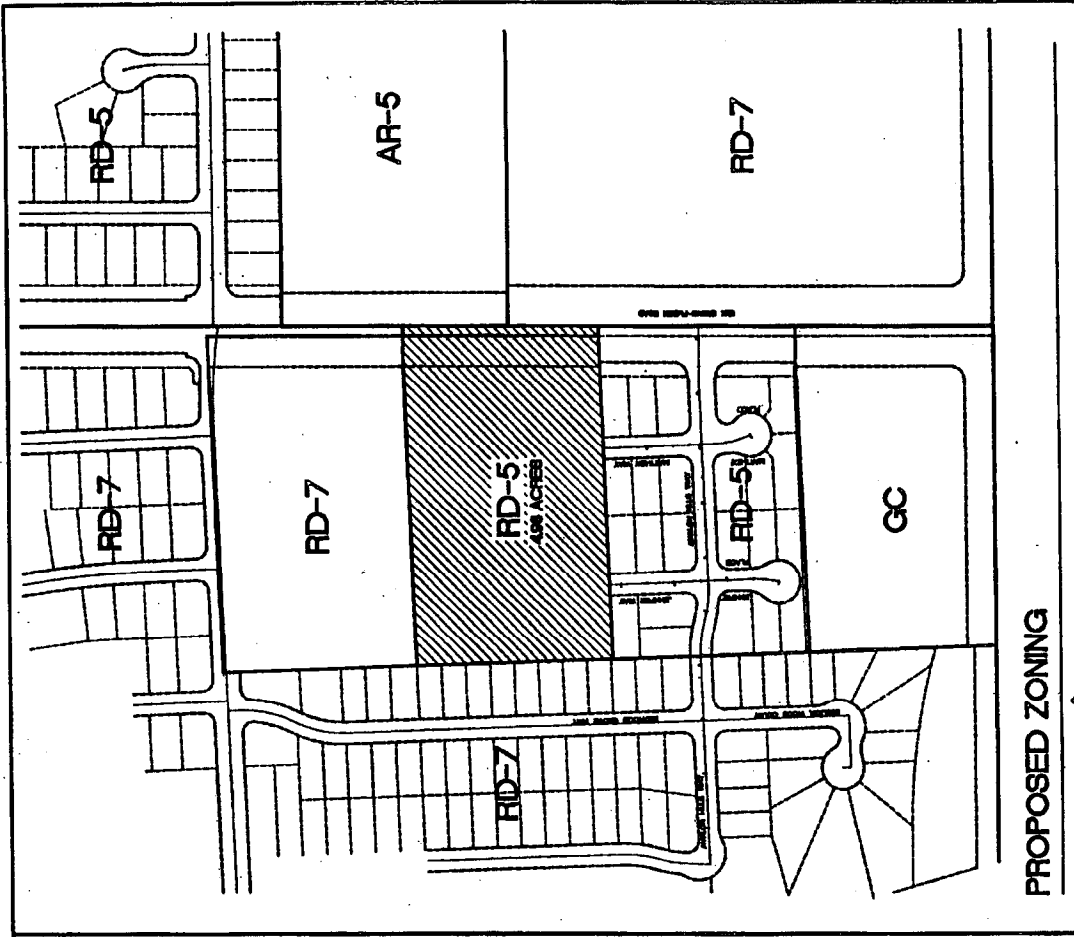
EFFECTIVE DATE: JUNE 9, 2006

AYES: SOARES, SCHERMAN, BRIGGS, COOPER, LEARY

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



REZONE EXHIBIT
FRENCH'S ESTATES
 CITY OF ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA
 JULY, 2005
 SCALE: 1"=100'