

ORDINANCE NO. 37-2006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM AR-10 TO O FOR
G.K. HOMES WATERMAN SUBDIVISION
PROJECT NO. EG-03-410 – APN: 127-0140-019-0000**

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, conditioned and mitigated 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 with a Mitigated Negative Declaration evaluating the potential environmental effects of the project was prepared for the proposed project. Potentially significant adverse effects related to 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 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 project is located within the East Elk Grove area and is also subject to the applicable mitigation measures of the East Elk Grove Specific Plan EIR which was adopted by the Sacramento Board of Supervisors (October 1995).

The City distributed the Notice of Intent to Adopt the Negative Declaration on May 18, 2006. 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 May 24, 2006 and closed on June 24, 2006. The Mitigated Negative Declaration was made available to the public during this review period.

Public comments were received from the Elk Grove Community Services District (CSD) regarding a reference correction and Quimby Fees, from the Public Utilities Commission regarding rail crossing safety, and from the Department of Water

Resources regarding potential permit requirements from The Reclamation Board. The comments have been considered and addressed. A revised Initial Study was prepared with minor corrections and clarifications. The corrections do not alter the analysis or conclusions of the circulated document and contain no new information that would require recirculation.

General Plan

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

Evidence: The Elk Grove General Plan and East Elk Grove Specific Plan designate the site for Open Space and Low Density Residential use. The subject project which subdivides the property to create 22 new residential parcels and one (1) open space parcel conforms to the low density residential and open space designation and all applicable policies of the General Plan and Specific Plan. The site is suitable for open space and residential development and is consistent with surrounding parcels, which consist of similar 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 and East Elk Grove Specific Plan. 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 127-0140-019-0000 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 27th day of September 2006.



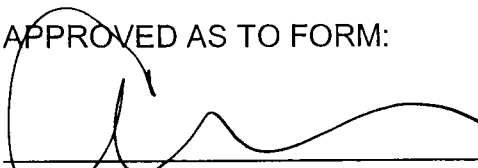
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



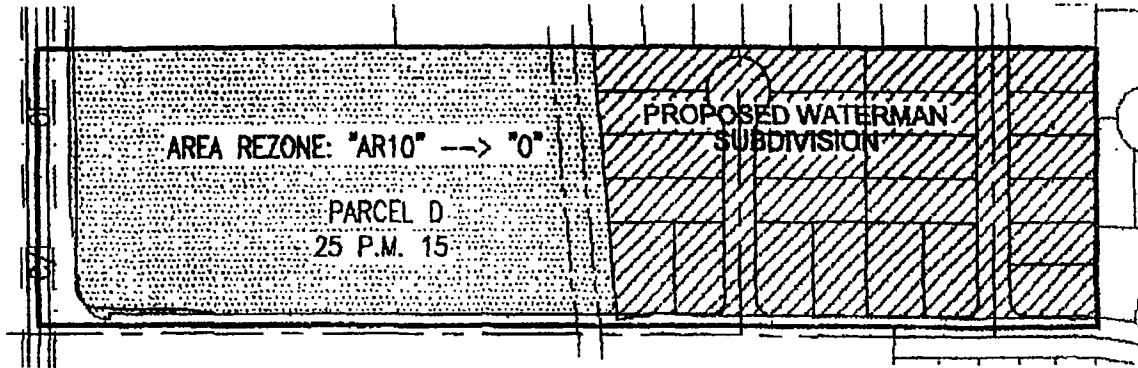
PEGGY E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit A - Rezone Exhibit



CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 37-2006

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

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on September 13, 2006 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 27, 2006 by the following vote:

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

NOES : **COUNCILMEMBERS:** **None**

ABSTAIN : **COUNCILMEMBERS:** **None**

ABSENT: **COUNCILMEMBERS:** **None**

A summary of the ordinance was published pursuant to GC 36933(c) (1).



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