

ORDINANCE NO. 21-2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM AG-80 TO RD-4, RD-5 AND O FOR
FRANKLIN CROSSING
PROJECT NO. EG-04-727
APNs: 132-0132-042 AND 132-1680-057**

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 from AG-80 to RD-4, RD-5, and O for the Franklin Crossing Project, as shown in Exhibit A, attached hereto and incorporated by reference.

Section 2: Findings

CEQA

Finding: The rezoning will not have a significant adverse impact on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA) and the Mitigated Negative Declaration reflects the independent judgment and analysis of the City. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated will have a significant impact on the environment.

Evidence: An Initial Study with a Mitigated Negative Declaration evaluating the potential environmental effects of the project was prepared for the proposed project and adopted by the City Council on September 28, 2005. 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.

General Plan

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

Evidence: The General Plan Amendment is consistent with the goals and policies that are established in the General Plan's Land Use Element regarding the City's Sphere of Influence and annexations. The annexation of the 86.5-acre property, consisting of APNs: 132-0132-042 AND 132-1680-057, also known as the Franklin Crossing Annexation Area, provides an orderly and contiguous expansion of the City's boundaries which would incorporate the remaining East Franklin Specific Plan land parcels that are located in the County of Sacramento. The annexation will also constitute a fiscally sound addition to the existing City, be consistent with State law and Local Agency Formation Commission policies, standards and criteria, and ensure the provision of adequate municipal services.

Rezone

Finding: The proposed rezone is in the public interest.

Evidence: The Applicant's proposal is consistent with the allowed density ranges and uses as proposed in the Elk Grove General Plan Amendment and the East Franklin Specific Plan. The proposed rezoning meets all applicable standards of the Elk Grove Zoning Code and will implement the General Plan's objectives for orderly and systematic development. Furthermore, the rezone will be in the public interest because it will respond 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 APNs: 132-0132-042 AND 132-1680-057 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

Section 6: Effective Date and Publication

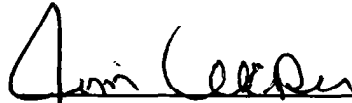
This Ordinance is contingent upon and shall take effect thirty (30) days after the adoption of the related General Plan amendment, if at all. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) 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 Government Code section 36933(c)(1).

ORDINANCE NO. 21-2007

INTRODUCED: June 27, 2007

ADOPTED: July 11, 2007

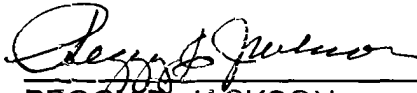
EFFECTIVE: (See statement above)



JIM COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON,
CITY CLERK



JONATHAN P. HOBBS,
INTERIM CITY ATTORNEY

Exhibit A – Rezone Exhibit

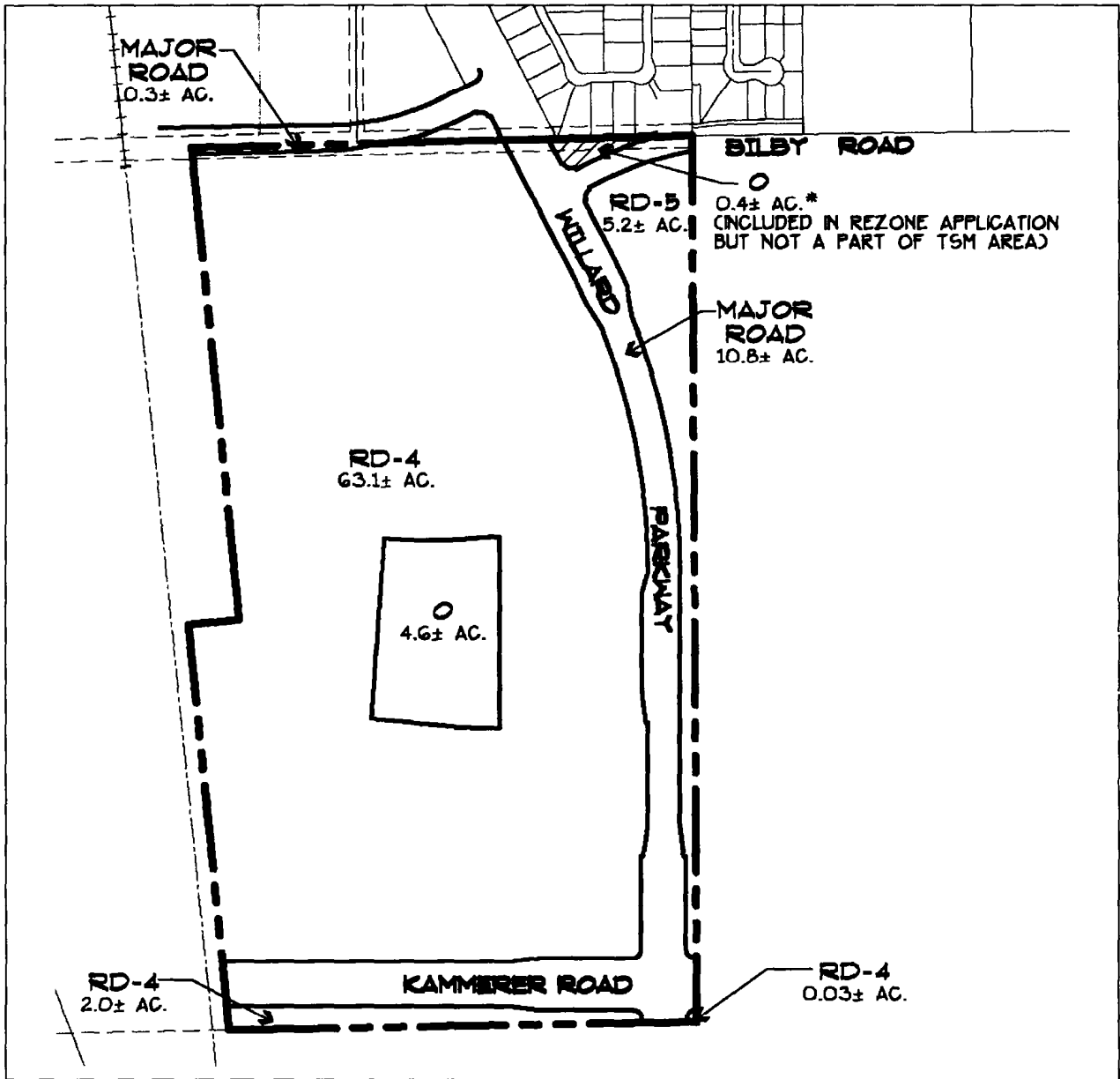
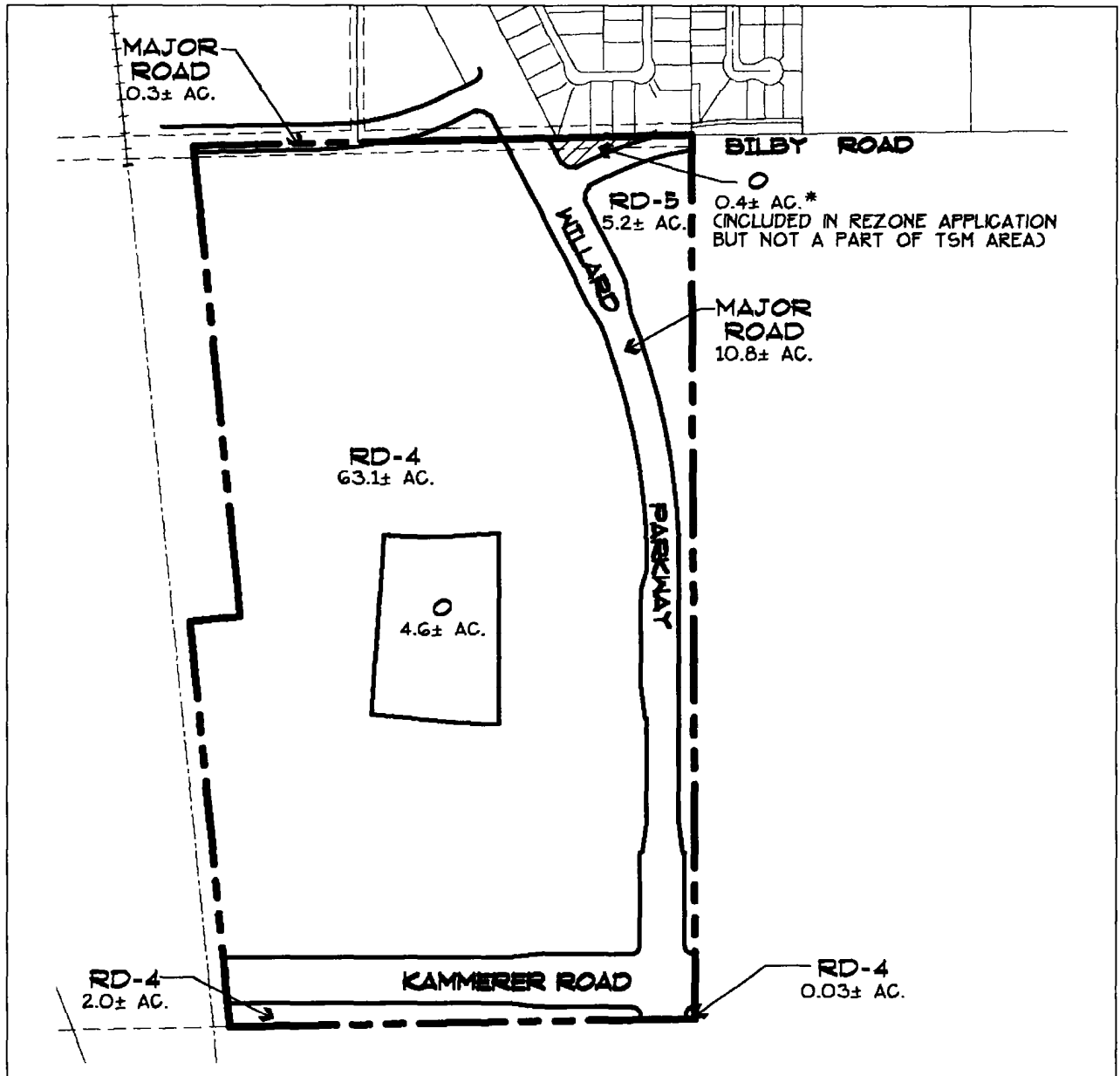


Exhibit A – Rezone Exhibit



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 21-2007**

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 June 27, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 11, 2007 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper*

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



Peggy E. Jackson

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