

ORDINANCE NO. 30-2011

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM RD-15 TO RD-7 AND
RD-8 TO RD-7 AND REDISTRIBUTING THE BOUNDARIES OF THE ZONING
DISTRICTS FOR THE LAGUNA RIDGE PHASE 3 SUBDIVISION PROJECTS
SPECIFICALLY AFFECTING ASSESSOR PARCEL NUMBERS 132-0050-061 & -062
(ARBOR RANCH); 132-0050-119, -128, & -131 (ZGRAGGEN RANCH)**

WHEREAS, the Planning Division of the City of Elk Grove received an application on October 27, 2010 requesting a General Plan Amendment, Specific Plan Amendment, Rezone, and Tentative Subdivision Map for the Arbor Ranch Project, Project No. EG-010-060; and

WHEREAS, the Planning Division of the City of Elk Grove received an application on February 11, 2011 requesting a General Plan Amendment, Specific Plan Amendment, Rezone, and Tentative Subdivision Map for the Zgraggen Ranch Project, Project No. EG-011-005; and

WHEREAS, the Arbor Ranch and Zgraggen Ranch projects are being processed concurrently as part of a coordinated review and approval of four total separate residential projects collectively referred as the Laguna Ridge Phase 3 Subdivision Projects; and

WHEREAS, the Arbor Ranch and Zgraggen Ranch projects are located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor Parcel Number(s) 132-0050-061 & -062 (Arbor Ranch); 132-0050-119, -128, & -131 (Zgraggen Ranch); and

WHEREAS, the Arbor Ranch Project consists of amending the City of Elk Grove Zoning Map by eliminating RD-10 and adding RD-8, and redistributing the zoning acreages for the project site; and

WHEREAS, the Zgraggen Ranch Project consists of amending the City of Elk Grove Zoning Map by eliminating the RD-8 and RD-15 and adding RD-7, and redistributing the zoning acreages for the project site; and

WHEREAS, the Arbor Ranch and Zgraggen Ranch projects are exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15182 of Title 14 of the California Code of Regulations (State CEQA Guidelines) – Residential Projects Pursuant to a Specific Plan that has an Environmental Impact Report; and

WHEREAS, the Planning Commission considered the Applicants' request at a public hearing on October 6, 2011, and recommended the City Council approve the Laguna Ridge Phase 3 Subdivision Projects, which includes the Arbor Ranch and Zgraggen Ranch projects; and

WHEREAS, the City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED THAT, 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 the attached Exhibit A, incorporated herein by this reference.

Section 2: Enactment of New Zoning.

The City Council hereby amends the City of Elk Grove Zoning Map for 132-0050-061 & -062 (Arbor Ranch); 132-0050-119, -128, & -131 (Zgraggen Ranch), as shown on attached Exhibit A, incorporated herein by this reference.

Section 3: 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 4: 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 5: Savings Clause.

The provisions of this Ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such Ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

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 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 GC 36933(c)(1).

ORDINANCE: **30-2011**
INTRODUCED: November 9, 2011
ADOPTED: December 14, 2011
EFFECTIVE: January 13, 2012




JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK

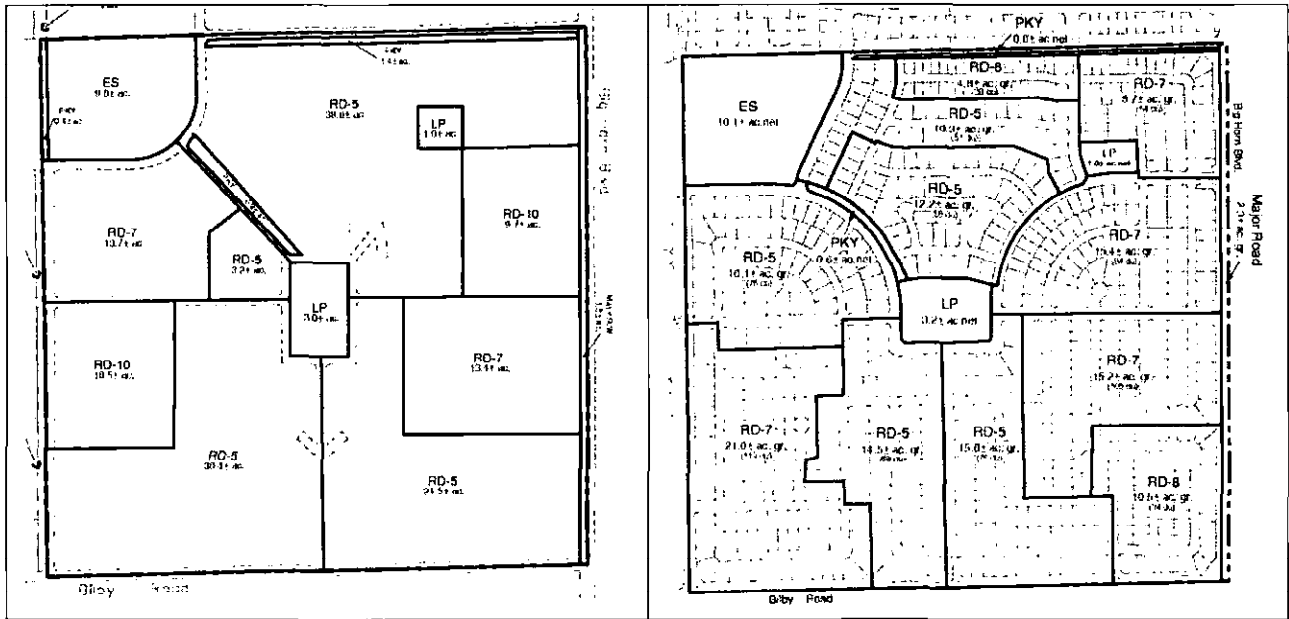


JONATHAN HOBBS,
INTERIM CITY ATTORNEY

Date signed: January 3, 2012

EXHIBIT A

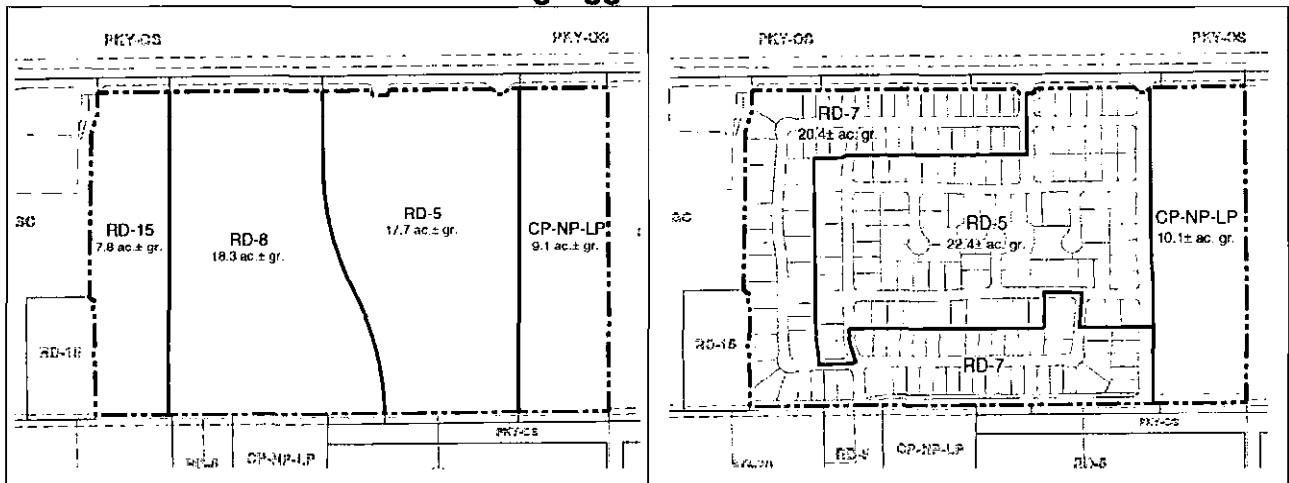
Arbor Ranch Rezone



Existing

Proposed

Zraggen Rezone



Existing

Proposed

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 30-2011**

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 ordinance, published and posted in compliance with State law, was duly introduced on November 9, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 14, 2011 by the following vote:


AYES : **COUNCILMEMBERS:** *Cooper, Hume, Davis, Detrick, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

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


**Jason Lindgren, City Clerk
City of Elk Grove, California**