

## ORDINANCE NO. 30-2003

### 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 PAULSEN, BRITTON, GARCIA, AND BUCHANAN REZONE PROJECT NO. EG-03-409

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 and the Conditions of Approval as Exhibit B.

#### Section 2: Findings

##### CEQA

1. 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: The proposed project is in a rural area and is currently zoned for one residential unit per five acres. The proposed rezone would allow the subdivision of the 5 parcels and the potential for 6 to 8 additional residential units within the project area. The proposed AR-2 use is in conformance with the General Plan. On the basis of the Mitigated Negative Declaration and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

2. Finding: The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Evidence: The City finds that, as a result of its Initial Study conducted to evaluate the potential for adverse environmental impacts, the proposed project involves no potential for any adverse effect, either individually or cumulatively on wildlife resources.

##### General Plan

Finding: The City shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:

- (a) There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.
- (b) The project is consistent with the latest version of the Draft Land Use Policy Map

and any draft General Plan Elements which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.

- (c) There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.
- (d) The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence:

- (a,b,c) The proposed Elk Grove General Plan has designated the project site for 2 acre minimum lot size development. The AR-2 zoning designation is consistent with the General Plan land use map.
- (d) The requested Rezone is consistent with state law and local ordinances as discussed by the following findings and evidence.

Rezone

Finding: The proposed rezone is in the public interest and will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of the persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general Welfare of the City. (§110-30 of the City of Elk Grove Zoning Code)

Evidence: The City has reviewed the proposed amendment to the Zoning Map. The applicant's proposal is consistent with the allowed density ranges and uses in the General Plan. The proposed amendment is also consistent with the Plan's objectives of orderly and systematic development.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map as shown on attached Exhibit A and B subject to the findings contained in this Ordinance for Assessor Parcels 122-0260-114, 122-0260-115, 122-0260-035, 122-0260-036, and 122-0260-037.

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.

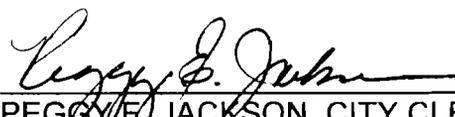
Section 6: Effective Date and Publication

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).

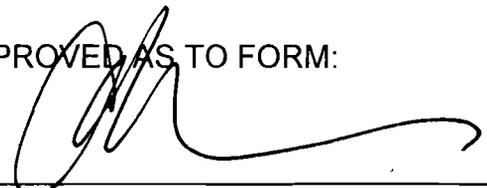
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 3<sup>rd</sup> day of September 2003.

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

ATTEST:

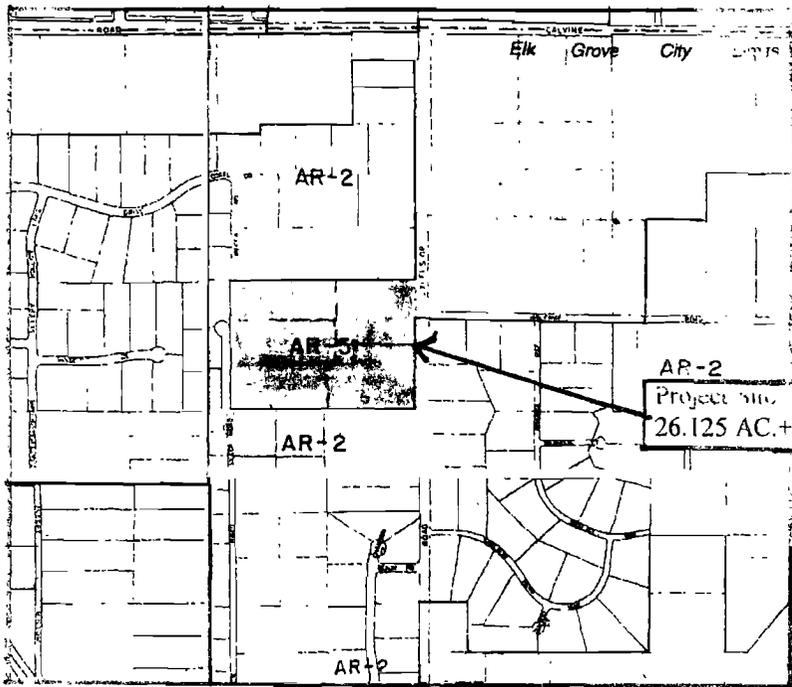
  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

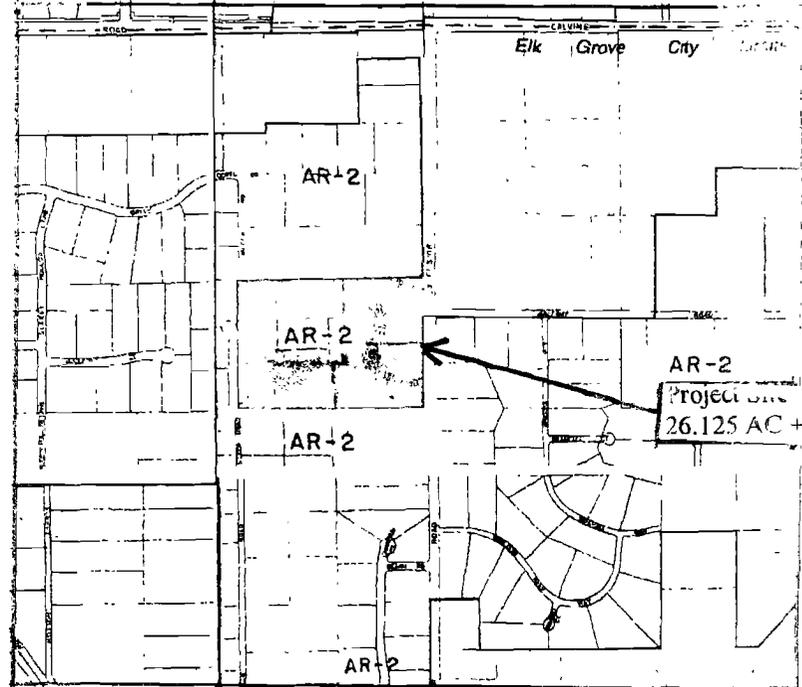
  
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ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**Effective Date: October 3, 2003**

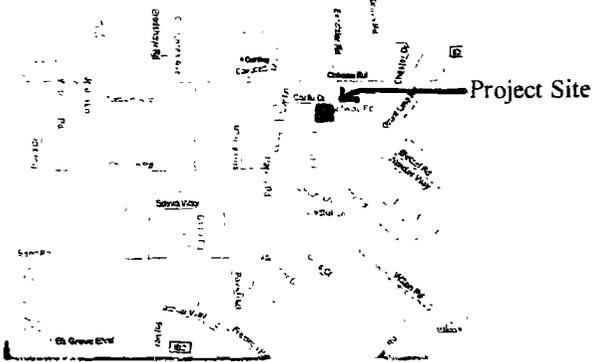
**AYES: Soares, Briggs, Cooper, Leary**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: Scherman**



Existing Zoning AR-5



Proposed Zoning AR-2



Vicinity Map



REZONE EXHIBIT

Paulsen, Britton, Garcia, Buchanan Rezone  
EG-03-409

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<b>A. On-Going</b>				
1.	The development approved by this action is for a Rezone of 26.1 +/- acres from AR-5 to AR-2.	On-Going	Development Services – Planning	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Development Services – Planning	
3.	The applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Development Services – Planning	
4.	All Mitigation Measures in the Mitigated Negative Declaration prepared for this project are required for this project.	On-Going	Development Services – Planning	

<b>B. At Rezone/With Submittal of Future Tentative Maps</b>				
5.	<p>Mitigate Drainage impacts as follows:                      Prior to Tentative parcel map approval a drainage study shall be submitted that details whether the extent of the 10-year and 100-year water surface elevation impacts the proposed lots and access to the lots, consistent with City of Elk Grove General Plan policies and the development of additional residential units will have any significant impacts to the existing downstream drainage.</p> <p><b>(Mitigation Measure HWQ-1)</b></p>	Prior to Tentative Map Approval	Development Services – Public Works	
6.	<p>Grant the City of Elk Grove right-of-way on Excelsior Road based on a 84' arterial in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Development Services – Public Works</p>	At Rezone	Development Services – Public Works	

**General Information and Compliance Items:**

The following items are noted for the applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

- a. Permits and/or fees are required for the following plan reviews: lot-split, subdivision plans, civil plans, architectural plans, fire sprinkler plans, fire alarm system plans, special extinguishing plans, rack plans, gate installation plans and traffic mitigation plans.
- b. All residential units within the rural residentially zoned areas regardless of square footage are required to be fire sprinkled.
- c. Addresses for all lots shall be provided to the fire department within 60 days of the fire department signature on the development plans.
- d. Any and all gates impeding fire lanes and roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
- e. Dead-end streets in excess of 150 feet require approved emergency vehicle turn-around.
- f. All required roadways, street signs, addresses, water mains, fire hydrants, and fire flows shall be provided prior to the existence of any combustible construction or storage. The slope of required access roadways shall not exceed 10% for asphalt and 15% for concrete. The roadways shall be constructed to a 20-foot minimum width with a minimum of three (3) inches of AC over six (6) inches of AB and shall be provided with good drainage.
- g. The wetlands/riparian corridors of creeks create an unusual fire hazard and challenge to emergency responders. The following requirements apply:
  - Provide non-combustible fences along all developed areas adjacent to wetlands, creeks, open spaces and drainage channels.
  - Provide access to all wetland corridors and drainage channels at the end of cul-de-sacs via rolled curbs and gates with pipe bollards. Bike lanes adjacent to creeks shall be a minimum of 10 feet wide with a turning radius of not less than 35 feet inside and 45 feet outside diameters.
  - Any bridges over creeks, wetlands or drainage channels shall be capable of supporting 65,000 pounds gross vehicle weight (gww).
  - Provide at least ten (10) feet of greenbelt or other defensible space between non-combustible fences and the creek/wetland area.

- h. At Final Map or 1<sup>st</sup> Building permit, whichever occurs first, provide calculation for the pipe capacity in conformance with the 1996 Hydrology Standards Volume II and City of Elk Grove Improvement Standards.
- i. Prior to first building permit install public street improvements on Excelsior Road based on an 84' arterial in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Public Works.
- j. No additional driveways shall be designed to access Excelsior Road.
- k. Prior to Building Permit issuance, the floor elevation must be a minimum of one (1) foot above the 100-year water level for the area.
- l. Prior to Final Map or 1<sup>st</sup> Building provide drainage easements to off-set project impacts, as necessary, at no cost to the City of Elk Grove to off-set project impacts, as necessary, at no cost to the City of Elk Grove pursuant to the Sacramento County Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.
- m. At Grading Permit and/or as deemed needed by Public Works, install on-site and off-site drainage facilities as required pursuant to the Sacramento County Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency.
- n. Calculate the 100-year flood run-off and demonstrate the means by which the 100-year run-off will be conveyed to the existing drainage system and that the existing drainage system has adequate capacity to handle the 100-year runoff. Use the SACPRE methodology as contained in the 1996 Hydrology Standards Volume 1 to calculate the 100-year runoff.
- o. Display the overland release points for the 100-year flood.