

ORDINANCE NO. 44-2003

**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-5 AND RD-7
STOECKER RANCH PROJECT NO. EG-03-449**

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: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

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) The proposed Elk Grove General Plan has acknowledged the East Franklin Specific Plan as a key component of the Draft General Plan Land Use Map. As such, any project proposed must be consistent with the Specific Plan and thus consistent with the proposed General Plan. The Stoecker Ranch project is consistent with the land use densities and design within the East Franklin Specific Plan and subsequently the Elk Grove General Plan.
- (b) As stated above, the Specific Plan and the latest version of the adopted Draft Land Use Policy Map are consistent with one another. Any changes to the Draft Land Use Policy Map would cause a change to the Specific Plan in order to maintain consistency. The proposed Stoecker Ranch project is consistent with the policies and guidelines of the East Franklin Specific Plan and conditions of approval have been recommended for the project that are consistent with the draft policies of the General Plan.
- (c) The project is consistent with existing land use entitlements required for this project by the East Franklin Specific Plan and Elk Grove General Plan. The new General Plan would designate certain properties for multi-family development within the East Franklin Specific Plan to support the Housing Element, however this project is not listed or designated for that land use category in either the General Plan or the Specific Plan.
- (d) The proposed project is requesting no amendments to the East Franklin Specific Plan and is consistent with the policies and development standards as listed in the Plan. The requested Rezone and Vesting Tentative Subdivision Maps are 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. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The Planning Commission has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the East Franklin Specific Plan, Elk Grove General Plan and Draft General Plan Land Use Map. The proposed project is consistent with the Plan's objectives of 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 132-0020-041 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.

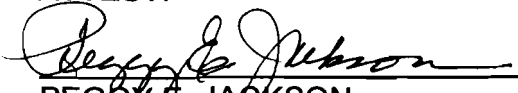
Section 6: Effective Date and Publication

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).

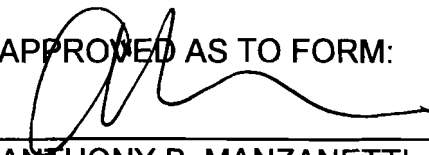
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 17th day of December 2003.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: January 16, 2004

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

(REVISED AUGUST 4, 2003)



ZONE	(ND) AREA(±)	DWELLING UNITS	DENSITY
RD-5	10.2	48	4.7 DU/AC
RD-7	4.1	19	4.6 DU/AC
TOTALS	14.3 AC.	67 DU	



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Exhibit A