

**ORDINANCE NO. 21-2004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING THE ELK GROVE LAND USE ZONING MAP FROM AR-10 TO RD-5  
AND OPEN SPACE AFFECTING A PROPERTY  
FOR A PROJECT KNOWN AS NEWTON RANCH UNIT #3,  
PROJECT NO. EG-03-497**

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.

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 project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The General Plan and the East Elk Grove Specific Plan identifies the site has designation of Low Density Residential and Open Space. As proposed, the project is consistent with the goals and policies of the General Plan and East Elk Grove Specific Plan for residential development with the City of Elk Grove.

*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 Elk Grove Specific Plan, Elk Grove General Plan and General Plan Land Use Map. The proposed amendment 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 Elk Grove Zoning Map, affecting APN's 134-110-035 and 134-110-063 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.

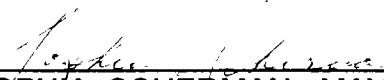
### Section 5: Severability

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).

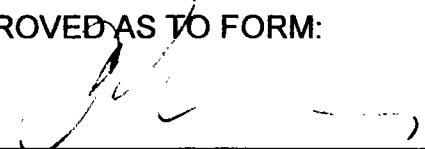
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 4<sup>th</sup> day of August 2004.

  
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SOPHIA SCHERMAN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

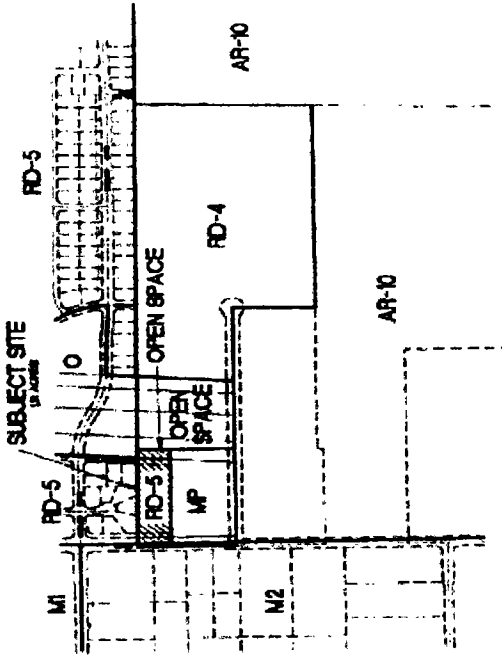
  
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PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

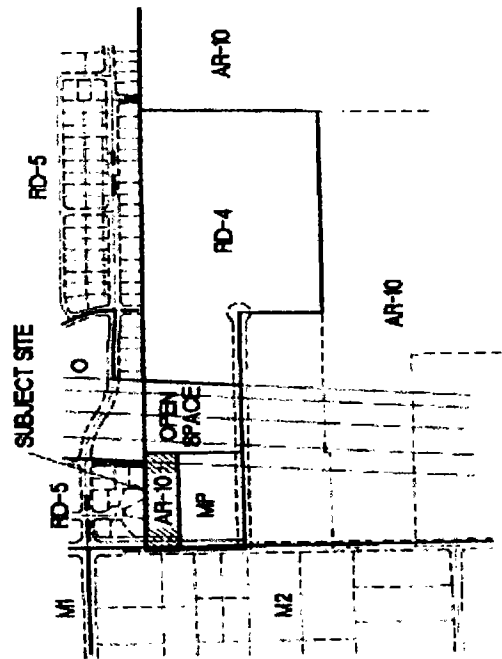
  
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ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**Effective Date: September 3, 2004**

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



PROPOSED ZONING



EXISTING ZONING

### Exhibit A: Rezoning Map