

ORDINANCE NO. 8-2006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM AR-5 TO AR-2
JACC INVESTEMENTS PROJECT NO. EG-05-826**

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 identified and imposed on the project 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 subject project creates three (3) new residential parcels from one undeveloped lot in a residential area of the city. The Elk Grove General Plan designates the site Rural Residential. The site is suitable for residential development and is consistent with surrounding parcels which consist of rural residential/agricultural uses.

Rezone

Finding: The proposed rezone is in the public interest (Section 65358(a) of the Government Code.

Evidence: The Applicant's proposal is consistent with the allowed density ranges

and uses in the Elk Grove General Plan and General Plan Land Use Map. The proposed rezoning meets all applicable standards of the Elk Grove Zoning Code. The proposed project implements the General Plan's objectives for orderly and systematic development and responds to opportunities and constraints in the local community area.

Tentative Parcel Map

Finding: None of the findings (a) through (g) in Section 66474 of the California Subdivision Map Act that require a City to deny approval of a tentative map apply to this project.

Evidence: Findings (a) through (g) in Section 66474 of the Subdivision Map Act do not apply to the project.

- a. The proposed map is consistent with the Elk Grove General Plan and current and proposed zoning that identifies the site as appropriate for residential uses.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan that designates the site for rural residential development.
- c. The site is physically suitable for rural residential development. The surrounding area is developed with and/or designated for rural residential uses. Access to the site will be provided or is available. Necessary services and facilities are available or can be provided.
- d. The site is appropriate for the proposed density of development, 2-acre minimum rural residential density. Services and facilities to serve the project will be provided or are available.
- e. The proposed Tentative Parcel Map will not cause substantial environmental damage. The project is a low density use located in the urbanized area of Elk Grove and is consistent with the General Plan and zoning.
- f. The proposed Tentative Parcel Map will not cause serious public health problems. The project has been reviewed by local agencies, including Fire, Water Resources, Public Works, Planning, Police, Sanitation, Parks, and Community Enhancement, for conformance to applicable policies and regulations. Comments and requirements have been addressed or incorporated as conditions of approval and ensure protection of public health, welfare, and safety.
- g. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

Exception (Public Water)

Finding: The granting of the exception will not be detrimental to the health, safety, comfort or general welfare of persons residing or working in the subdivision and that the requirements to provide domestic water supply would create a hardship.

Evidence: There is no evidence in the record or evidence provided to indicate that the health of surrounding neighbors will be compromised. Public water is not

available to the site and is not anticipated in the near future. Granting this particular type of exception is consistent with other similar projects approved in rural portions of the city. The majority of the Rural Residential area in the eastern portion of the City is provided by private wells.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 122-0210-015-0000 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 8th day of March 2006.



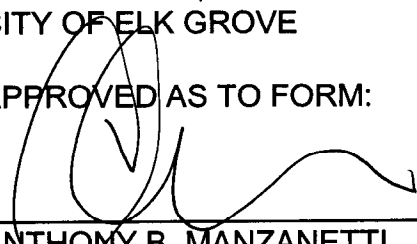
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON,
CITY CLERK



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EFFECTIVE DATE: April 7, 2006

AYES: Soares, Scherman, Briggs, Cooper, Leary

NOES: None

ABSTAIN: None

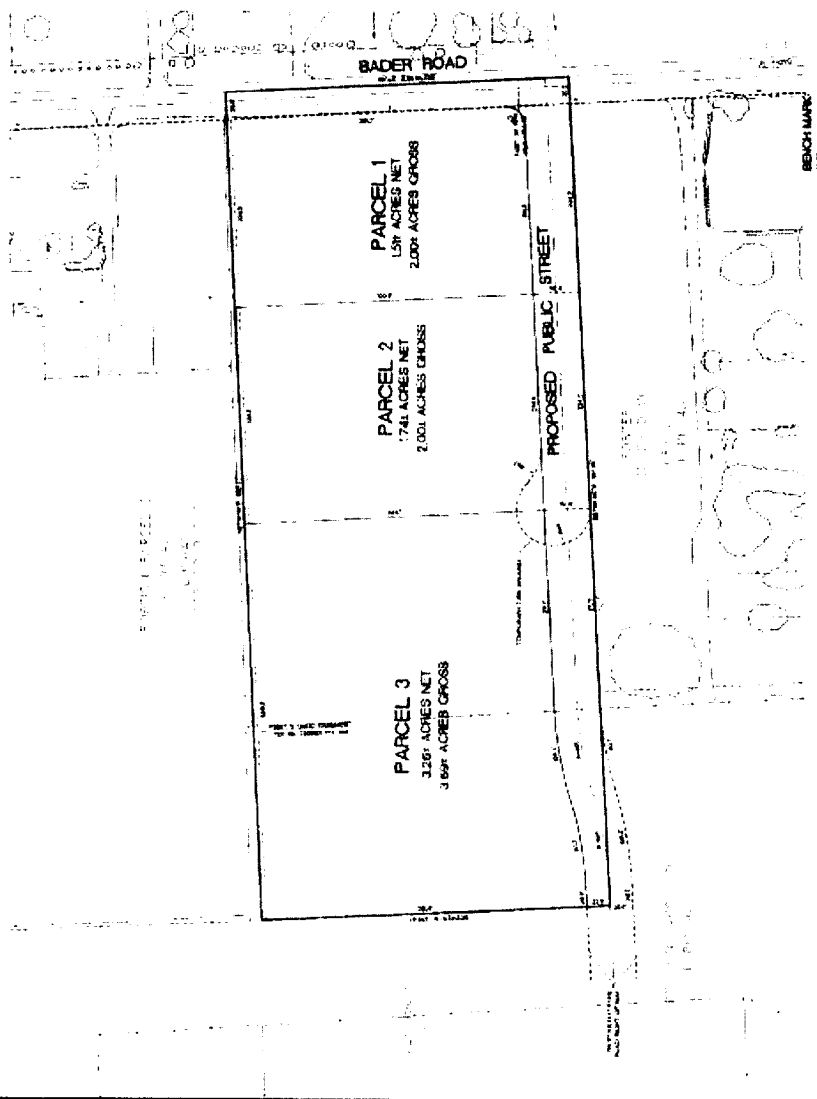
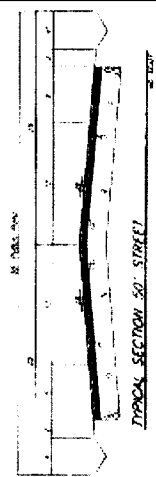
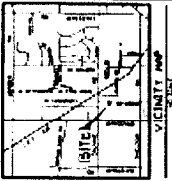
ABSENT: None

Exhibit A

TENTATIVE PARCEL MAP

A PORTION OF PARCEL D AS SHOWN ON 'PORTION OF EAST 1/2 OF THE NORTHWEST 1/4 SECTION 21, TOWNSHIP 7 NORTH, RANGE 6 EAST', RECORDED ON BOOK 1 OF PARCEL MAPS, PAGE 40 CITY OF ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA JANUARY, 2005

001 1 3



PROJECT DATA

OWNER: [unreadable]
 PROJECT: [unreadable]
 ADDRESS: [unreadable]
 CITY: [unreadable]
 COUNTY: [unreadable]
 STATE: [unreadable]

ACREAGE STATEMENT

ALL INFORMATION CONTAINED HEREIN IS BASED ON THE RECORDS OF THE COUNTY OF SACRAMENTO, CALIFORNIA, AND THE FIELD SURVEY BY BAKER WILLIAMS ENGINEERING GROUP.

REVISED JUNE, 2005

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 WWW: WWW.BAKERWILLIAMS.COM

JOB #04-10-17 04D17-TENT-PMDWG

BENCH MARK:
 If provided Sacramento County, CA, Bench Mark Control is to be used on all projects. All projects shall be surveyed in accordance with the current edition of the California State Plane Coordinate System, NAD 83, Zone 10N.