

## ORDINANCE NO. 1-2010

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AGRICULTURAL GENERAL (AG-80) TO AGRICULTURAL RESIDENTIAL (AR-2) FOR SHELDON AND WATERMAN TENTATIVE SUBDIVISION MAP PROJECT EG-06-1146, ASSESSOR PARCEL NUMBER 127-0010-077

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

##### **California Environmental Quality Act (CEQA) Findings**

Finding: On the basis of the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

Evidence: An Initial Study evaluating the potential environmental effects of the project was prepared and circulated. Potentially significant adverse effects related to loss of Swainson's hawk foraging habitat, loss of burrowing owl habitat, loss of habitat for nesting birds, potential impact to jurisdictional waters, tree removal, hazards and hazardous materials on the project site, and noise. Mitigation measures have been imposed on the project that reduce the impacts to a less than significant level. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required in accordance with the City of Elk Grove regulations and is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on October 23, 2009. It was posted at the Sacramento County Clerk's office, distributed through State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30-day review and comment period was opened on October 23, 2009 and closed November 23, 2009. The Mitigated Negative Declaration was made available to the public during this review period. The City received two written comment letters within the 30-day public review period. These comments do not alter the conclusions of the Initial Study/Mitigated Negative Declaration.

##### **Rezoning**

Finding: The proposed rezoning is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The Elk Grove General Plan identifies the site as Rural Residential. The density of the new lots is consistent with this land use designations (AR-2) as identified in General Plan Land Use Policy LU-3. Further, 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.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 127-0010-077 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).

**ORDINANCE:** 1-2010  
**INTRODUCED:** January 13, 2010  
**ADOPTED:** January 27, 2010  
**EFFECTIVE:** February 26, 2010

  
SOPHIA SHERMAN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
SUSAN J. BLACKSTON, CITY CLERK

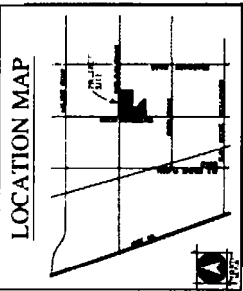
APPROVED AS TO FORM:

  
SUSAN COCHRAN, CITY ATTORNEY

Date signed: February 2, 2010

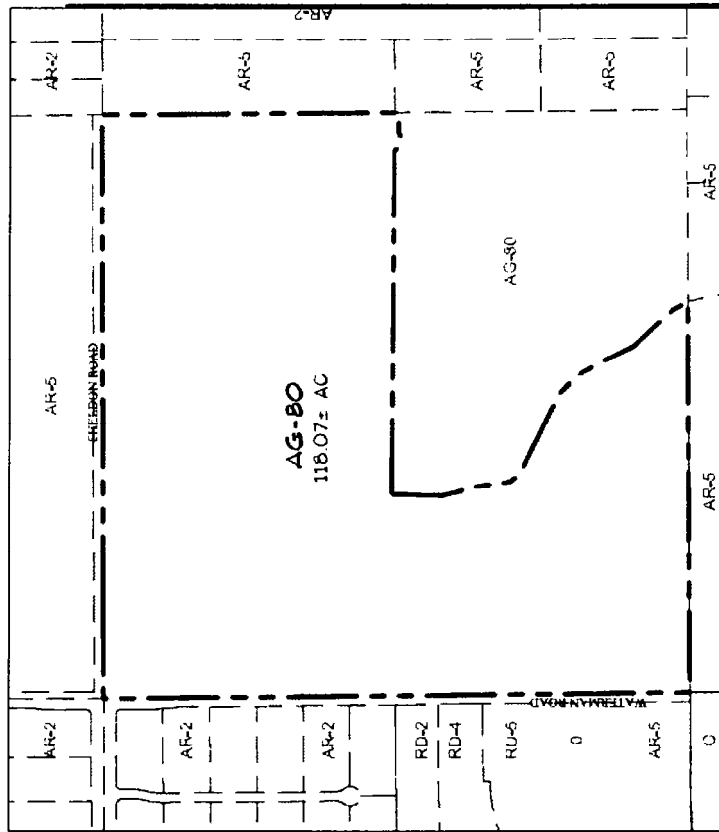
# Exhibit A – Rezone Exhibit

## REZONE EXHIBIT SHELDON WATERMAN CITY OF ELK GROVE, CALIFORNIA NOVEMBER 5, 2009

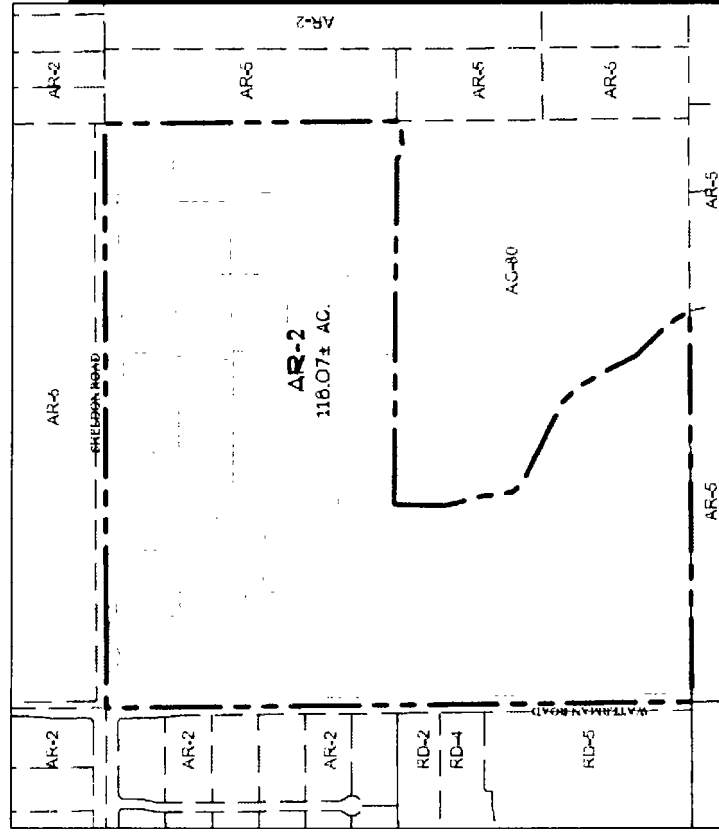


**ZONING SUMMARY TABLE**

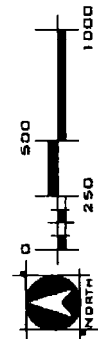
| DESIGNATION | LAND USE                   | EXISTING  | PROPOSED  | DEFERENCE |
|-------------|----------------------------|-----------|-----------|-----------|
| AG-80       | AGRICULTURAL               | 118.07 AC | D         | -118.07   |
| AR-2        | RESIDENTIAL MEDICAL OFFICE | 118.07 AC | 118.07 AC | 0         |



Existing Zoning



Proposed Zoning



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**CERTIFICATION**  
**ELK GROVE CITY COUNCIL ORDINANCE NO. 1-2010**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )     ss  
CITY OF ELK GROVE         )

*I, Susan J. Blackston, 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 January 13, 2010 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 27, 2010 by the following vote:*


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

**NOES:**       **COUNCILMEMBERS:**     **None**

**ABSTAIN:**   **COUNCILMEMBERS:**     **None**

**ABSENT:**    **COUNCILMEMBERS:**     **None**

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

  
\_\_\_\_\_  
**Susan J. Blackston, City Clerk**  
**City of Elk Grove, California**