

ORDINANCE NO. 20-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING MAP FROM AG-80 TO RD-5 AND OPEN SPACE FOR THE PROJECT KNOWN AS SOUTHMEADOWS UNIT #1, PROJECT NO. EG-02-358

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 to assign a change of zoning for the parcels specified within the attached Exhibit A.

Section 2: Findings

1. 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.

2. Finding: The proposed Rezone request will implement and be consistent with goals and policies of the East Franklin Specific Plan of the City of Elk Grove.

Evidence: The Rezone of AG-80 to RD-5 and O is consistent with the allowed zoning prescribed in the East Franklin Specific Plan of the City of Elk Grove.

3. 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 possibility 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 ordinance.

Evidence: The following statements are made in support of the required findings stated above.

- a) The proposed general plan has acknowledged the East Franklin Specific Plan as a key component of the General Plan and has designated a land use category specifically for the Specific Plan. As such, any project proposed would be consistent with the Specific Plan and thus consistent with the proposed General Plan. The new Plan has not altered the land use designations or categories within the East Franklin Specific Plan and all projects have been reviewed and made consistent with the Specific 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 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 Elements of the General Plan.
- c) The Draft General Plan and the Specific Plan are consistent at this time and there is little possibility that the General Plan would change in this area. The new General Plan would designate certain properties for multi-family development 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 Specific Plan and is consistent with the policies and development standards as listed in the Plan. The requested rezone of AG-80 to RD-5 and Open Space is consistent with the adopted density ranges in the Land Use Policy Map of the Specific Plan.

Section 3: Action

The City Council hereby amends the Zoning Map of the City of Elk Grove for Assessor Parcel Numbers 132-0020-041, 132-0020-052, and 132-0020-053, as shown on the attached exhibit.

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.

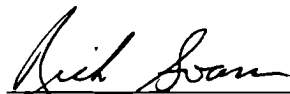
Section 5: Severability

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

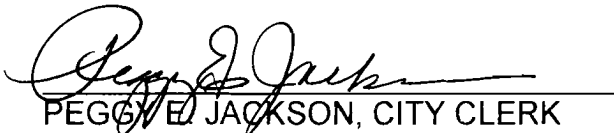
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 18th day of June 2003.




RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

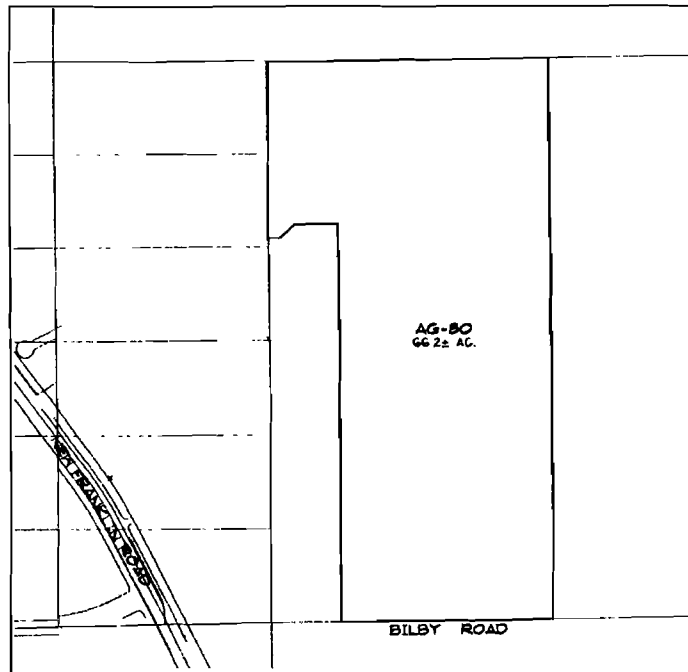
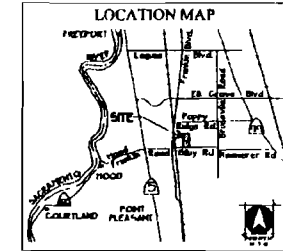
APPROVED AS TO FORM:



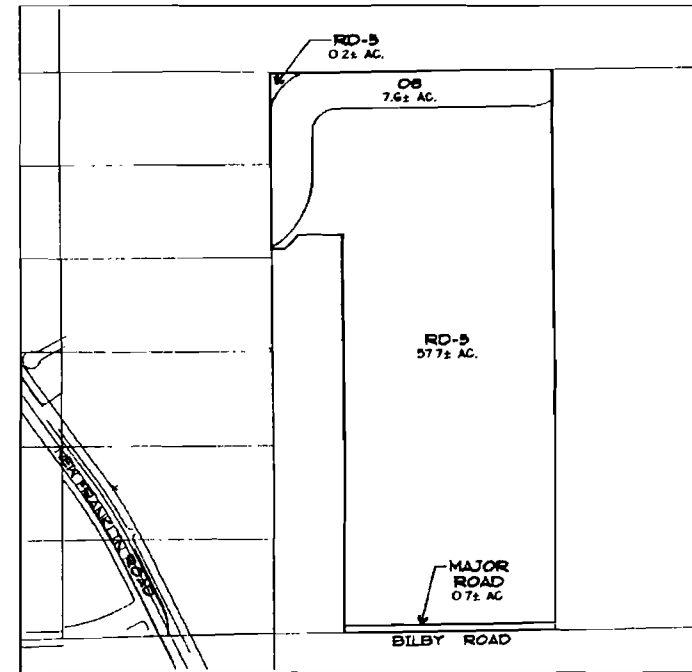
ANTHONY B. MANZANETTI,
CITY ATTORNEY

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

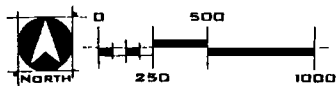
REZONE EXHIBIT
SOUTHMEADOW UNIT #1
 CITY OF ELK GROVE, CALIFORNIA
 OCTOBER 4, 2002



Existing Zoning



Proposed Zoning



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