

RESOLUTION NO. 2002-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP WITH FOR SCHULER RANCH PROJECT EG-01-188

WHEREAS, Schuler Ranch, represented by Bruceville 40 Partners, Inc. (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) to Rezone two parcels and reconfigure the zoning through a boundary line adjustment creating a 27-acre and a 13-acre parcel. The proposed Rezone is for the 27-acre from (AG-20), Agriculture 20 acre minimum and RD-5, Low Density Residential, five units to the acre to (RD-7), Low Density Residential, seven units to the acre and the remaining 13-acre parcel retains its dual zoning of AG-20 and RD-5. The proposed Tentative Subdivision Map (on the 27-acre parcel) creates 156 single-family lots with an average lot size of 4,500 square feet. (Assessor Parcel Numbers 132-0050-002 and 003); and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, an Initial Study was prepared for this project and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on April 25, 2002 and recommended City Council approval of the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY RESOLVES AS FOLLOWS:

1. Approve Schuler Ranch project, Tentative Subdivision Map, subject to the approval of the Rezone for this project and based on the following findings and the attached conditions of approval (see Exhibit A).
 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:** Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:
- a. The proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
 - b. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - c. The site is not physically suitable for the type of development.
 - d. The site is not physically suitable for the proposed density of development.
 - e. Design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. The design of the subdivision or type of improvements is likely to cause serious public health problems.
 - g. The design of the subdivision or type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: The above Findings #a. through #g. do not apply to the proposed Tentative Subdivision Map.

- a. The proposed map is consistent with the proposed Rezone.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the municipal code.
- c. The site is physically suitable for the Tentative Subdivision Map and will be consistent with the East Franklin Specific Plan.
- d. The site is appropriate for the specified residential development density as presented in the staff report.
- e. The Mitigated Negative Declaration prepared for Schuler Ranch determined that potential environmental impacts from the design of the subdivision or the proposed improvements will be mitigated to less than significant levels with implementation of the proposed Mitigation Measures and Conditions of Approval.
- f. The Mitigated Negative Declaration prepared for Schuler Ranch determined that potential serious health problems were not identified for the project or will be mitigated to less than significant levels with implementation of the proposed Mitigation Measures and Conditions of Approval.
- 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.

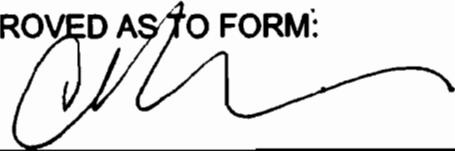
PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 5th day of June 2002.


MICHAEL P. LEARY, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

AYES: Leary, Cooper,
Scherman
NOES: Brigg , Soares
ABSTAIN: Non
ABSENT: Non

Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program and General Comments (Schuler Ranch)

	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1. The development approved by this action is for a Rezone, and Tentative Subdivision Map for 156 single family lots and other parcels as described in the Planning Commission report and associated Exhibits and Attachments.	On-Going	Planning Division	
2. The applicant shall comply with all pre-existing East Franklin Specific Plan Mitigation Measures identified in Appendix A.	On-Going	Per the MMRP for EFSP	
3. The applicant shall comply with all Air Quality Mitigation Measures imposed on the East Franklin Specific Plan included as Appendix A.	Prior to Issuance of Grading Permits	Planning Division & SMAQMD	
<p>4. Implementation of one of the following options to mitigate for the loss of 27 acres of Swainson's hawk foraging habitat is required.</p> <ul style="list-style-type: none"> • The project proponent shall preserve 20.25 acres (0.75:1 ratio) of similar habitat within a 10-mile radius of the project site. This land shall be protected through fee title or conservation easement (acceptable to the California Department of Fish and Game). or: • The project applicant shall, to the satisfaction of the California Department of Fish and Game (CDFG), prepare and implement a Swainson's hawk mitigation plan that will include preservation of Swainson's hawk foraging habitat. or: • Submit payment of a Swainson's hawk impact mitigation fee per acre impacted (20.25 acres at 0.75:1 ratio) to the City of Elk Grove Planning Division in the amount of \$750 per acre as set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent said Chapter remains in effect. A Swainson's Hawk administration fee of \$382 is also required. (MMRP 1) 	Prior to Issuance of any permits for Grading or Improvements Plans.	Planning Division & Department of Fish and Game	
No earlier than 45 days and no later than 20 days prior to the commencement of any clearing, grading or construction that would occur during the nesting/breeding season (February 1 through September 1), a pre-construction nesting survey shall be conducted by a qualified biologist prior to the start of construction. The survey results are to be submitted to the Planning Department and the Dept. of Fish and	Prior to Issuance of any permits for Grading, Building or other Site Improvements or site disturbance.	Planning Division & Department of Fish and Game.	

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	<p>Game for approval to proceed.</p> <p>If active nests are present, the applicant shall consult with CDFG and/or USFWS to determine the measures necessary to mitigate or avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG and/or USFWS prior to disturbance of the site. Mitigation measures may include flagging the burrow and avoiding disturbance, passive relocation, active relocation to move owls from the site, or other measures recommended by the biologist or CDFG. (MMRP 2)</p>			
5.	<p>If the wetland delineation identifies wetlands on the site, the project proponent shall ensure that the project will result in no net loss of any wetland habitat found on the site. No net loss shall be achieved by the following methods:</p> <ul style="list-style-type: none"> • Preserve and protect the existing on-site wetlands, or • If any wetlands are to be disturbed: <ul style="list-style-type: none"> • Prior to any disturbance of on-site wetlands, submit a Wetland Habitat Mitigation Plan to the Planning Director for review and approval. The Wetland Habitat Mitigation Plan shall provide a detailed description of the size, location and design of proposed wetland creation sites, and a detailed description of how the created wetlands will be monitored and managed to ensure the success of the mitigation effort. <p>OR,</p> <ul style="list-style-type: none"> • Pay to the City of Elk Grove an amount based on a rate of \$35,000 per acre for the unmitigated/uncompensated wetlands to be impacted. The payment shall be collected by the City and placed in the Wetlands Restoration Trust Fund. (MMRP 3) 	Prior to issuance of any permit	Planning Department and CDFG/USFW	
6.	<p>The applicant/developer is required to submit a landscape plan (prepared by a certified arborist and/or landscape architect) to the City of Elk Grove Planning, Transportation, and Park and Recreation Division indicating the trees to be incorporated into the landscape improvements on Bruceville and New Poppy Ridge Road. In addition, the plan is to include on-site trees as well (to be reviewed by the Planning Department).</p> <p>The landscape plan is to include tree mitigation measures such as site construction protection (before, during, and after) for the remaining trees (i.e. temporary protective fencing shall be installed at least one foot</p>	Prior to issuance of any grading permit	Planning, Transportation, and Parks & Recreation Department	

Exhibit A: Conditions of Approval / Mitigation Monitoring and Reporting Program/General Comments Schuler Ranch

	<p>outside the driplines of the protected trees prior to initiating construction in order to avoid damage to the tree canopies and root systems.</p> <p>The trees identified on the Tree Exhibit (dated December 2001) that are permitted to be removed are the following numbered trees: 27, 28, 29, 36, 37, and 42 (per mitigation requirements). All other trees are to remain unless the applicant obtains approval from the Planning Department for further tree removal.</p> <p>A Replacement Oak/Heritage Tree Planting Plan for on and/or off-site plantings shall be prepared by a certified arborist or a licensed landscape architect and shall be submitted to the Planning Division for review and approval. The Replacement Oak/Heritage Tree Planting Plan shall include the following minimum components:</p> <ul style="list-style-type: none"> • Species, size and location of all replacement trees • Method of irrigation • Planting and maintenance schedules • A written agreement to provide care and irrigation of the trees for a three-year establishment period and to replace any of the oak/heritage replacement trees which do not survive that period. • No replacement oak/heritage tree shall be planted within 15 feet of the drip-line of any oak/heritage tree retained on-site, or within 15 feet of any building foundation. • If the applicant chooses to plan other than 15-gallon size trees, equivalent compensation is based on the following ration listed below. <ul style="list-style-type: none"> • If any trees proposed for removal are not in the landscape corridor, the following oak/heritage tree replacement formula is to be used: <ul style="list-style-type: none"> • (1) 15-gallon oak/heritage = 1 inch dbh • (1) 24-inch box oak/heritage = 2 inches dbh • (1) 36-inch box oak/heritage = 3 inches dbh (MMRP 4) 			
7.	Native & Landmark trees within land to be conveyed to EGCS D shall be protected and preserved according to standard tree preservation standards. All costs incurred in complying with the arborists' recommendations will be the responsibility of the project proponent.	Prior to Recordation of the Final Subdivision Map	Public Works and EGCS D	
8.	The applicant will be required to conduct a subsurface investigation to determine if the underground tank has contaminated the project site. If	Prior to issuance of any grading permit	Planning Division	

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	any contamination has occurred it is the applicant's responsibility to remediate the site. <ul style="list-style-type: none"> All soils in the agricultural shed are to be stored in secondary containment and in the event of redevelopment the visibly impacted soils are to be disposed of properly. (MMRP 5) 			
9.	The applicant will be required to determine if the structures contain lead-based paint and should be removed or stabilized prior to disturbance in accordance with state and federal guidelines for lead-based paint removal. (MMRP 6)	Prior to issuance of any grading permit	Planning Division	
10.	The Contractor will identify a staging area for storing materials and equipment. (MMRP 7)	Prior to issuance of a grading permit	Planning Division	
11.	The applicant is to construct sound walls at the locations specified in the Noise Analysis Report. Wall/barrier heights should be selected based on local design requirements. <ul style="list-style-type: none"> Suitable wall materials for the property line barrier include earthen berms, masonry block, precast concrete panels, or a combination of berms and solid barriers. Air conditioning units shall be included for all residences in this development to allow the occupants to close doors and windows as desired to achieve additional acoustical isolation. All second floor bedroom windows on Lots 151-156 adjacent to Bruceville Road is to have a minimum Sound Transmission (STC) rating of 30. (MMRP 8) 	Prior to obtaining occupancy	Planning Division	
12.	Comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with (27 acres). Until the MMRP has been recorded and the estimated MMRP fee of \$3,000 has been paid, no final subdivision map for the subject property shall be approved and no grading, building, sewer connection, water connection, or occupancy permit from the City or County will be approved.	Prior to Issuance of Grading Permit	Planning Division	
13.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning Division	
14.	The Tentative Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of City Council approval	Planning Division	
15.	The Applicant shall hold harmless the City, its Council Members, its	On-Going	Planning Division	

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	Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.			
16.	The project shall comply with the City's Land Grading and Erosion Control Ordinance.	Prior to Issuance of Grading Permit	Department of Water Resources	
17.	Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during <u>any</u> development activities, work shall be suspended and the Planning Division shall be immediately notified. At that time, the Planning Division will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, adhere to the guidelines of the Native American Heritage Commission in the treatment and disposition of the remains.	During Site Preparation and Construction	Planning Division	
18.	The applicant shall pay the appropriate fee for the Laguna South public facilities fee district.	Prior to issuance of a building permit	Dept. of Infrastructure Finance	
19.	The applicant shall dedicate a 12.5 foot public utility easement for underground facilities and appurtenances, adjacent to public roads, private drives and/or an Irrevocable Offer of Dedication.	Prior to issuance of a building permit	PG&E	
20.	The applicant is responsible for the cost of removal and/or relocation of the gas lines should they conflict with any proposed development.	Prior to issuance of a building permit	PG&E	
21.	The applicant shall provide fire hydrants at 1,350 foot spacing along New Poppy Ridge Road, 17 th Street, and 18 th Street.	Prior to issuance of a building permit	EGCSD Fire Department	
22.	The applicant shall provide a fire hydrant at the intersection of New Poppy Ridge Road and 17 th Street, 17 th and 18 th Street, and Bruceville Road and 18 th Street.	Prior to issuance of a building permit	EGCSD Fire Department	
23.	The applicant shall extend the water transmission main along Bruceville to the south property line near Lot 156.	Prior to issuance of a building permit	EGCSD Fire Department	

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24.	The applicant shall provide two points of water connection in place prior to construction of any homes.	Prior to issuance of a building permit	EGCSD Fire Department	
25.	The applicant shall grant the City of Elk Grove a 96-foot right-of-way on Bruceville Road based on a modified thoroughfare street section as defined in the East Franklin Specific Plan and to the satisfaction of the Department of Public Works.	Prior to recordation of a final map	Department of Transportation	
26.	The applicant shall grant the City of Elk Grove a 72-foot right-of-way on New Poppy Ridge Road based on a modified arterial street section as defined in the East Franklin Specific Plan and to the satisfaction of the Department of Public Works.	Prior to recordation of a final map.	Department of Transportation	
27.	The applicant shall grant the City of Elk Grove a 48-foot right-of-way on "17" Street based on a modified collector street section as defined in the East Franklin Specific Plan and to the satisfaction of the Department of Public Works	Prior to recordation of a final map.	Department of Transportation	
28.	The applicant shall grant the City of Elk Grove a 42-foot right-of-way on "18" Street based on a modified primary residential street section as defined in the East Franklin Specific Plan and to the satisfaction of the Department of Public Works.	Prior to recordation of a final map	Department of Transportation	
29.	The applicant shall dedicate additional right-of-way on "17" Street and New Poppy Ridge Road for an intersection widening pursuant to the East Franklin Specific Plan, the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Public Works. (Note: A bus turnout will be required on New Poppy Ridge Road).	Prior to recordation of a final map	Department of Transportation	
30.	The applicant shall dedicate additional right-of-way on "18" Street and Bruceville Road for an intersection widening pursuant to the East Franklin Specific Plan, the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Public Works.	Prior to recordation of a final map	Department of Transportation	
31.	The applicant shall install public street improvements on Bruceville Road based on a 96-foot modified thoroughfare street section in accordance with the City of Elk Grove Improvement Standards, the East Franklin Specific Plan, and to the satisfaction of the Department of Public Works.	Prior to construction of adjacent lots on Bruceville Road	Department of Transportation	
32.	The applicant shall install public street improvements on New Poppy Ridge Road based on a 72-foot modified arterial street section in accordance with the City of Elk Grove Improvement Standards, the East Franklin Specific Plan, and to the satisfaction of the Department of Public Works.	Prior to issuance of a certificate of occupancy	Department of Transportation	

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33.	The applicant shall install public street improvements on "17" Street based on a 48-foot modified collector street section in accordance with the City of Elk Grove Improvement Standards, the East Franklin Specific Plan, and to the satisfaction of the Department of Public Works.	Prior to issuance of a certificate of occupancy	Department of Transportation	
34.	The applicant shall install public street improvements on "18" Street based on a 42-foot modified primary residential street in accordance with City of Elk Grove Improvement Standards, the East Franklin Specific Plan, and to the satisfaction of the Department of Public Works.	Prior to issuance of a certificate of occupancy	Department of Transportation	
35.	The applicant shall install stop signs where needed to the satisfaction of the Department of Public Works. (Note: Stop signs will be required at the following locations: On "A" Way at intersection with 18 Street; On "B" Way at intersection with 18 Street; On "C" Way at intersection with 18 Street; on 3 Court at intersection with 18 Street; On "A" Way at intersection with New Poppy Ridge Road	Prior to final acceptance of the street improvements	Department of Transportation	
36.	No more than 40 building permits shall be issued within any area of this subdivision until that area is served by at least two (2) points of access to existing public roads (per the City of Elk Grove Title 22 requirements),	Prior to issuance of a building permit	Department of LDSIR	
37.	The applicant shall provide separate public water service to each parcel (prior to certificate of occupancy). Dedicate maintenance easements in all public and private streets over all water lines to the satisfaction of the Sacramento County Water Agency (prior to recordation of final map).	See condition #37 for timing	Department of Water Resources	
38.	<p>Prior to abandoning any existing agricultural wells, applicant shall use water from agricultural wells for grading and construction.</p> <p>The applicant shall destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division.</p> <p>Clearly show all abandoned/destroyed wells on the improvement plans for the project.</p>	Prior to signing of improvement plans	Department of Water Resources	
39.	The applicant and future successors or interests shall reserve a minimum 100ft x 100ft water well site (Lot 125 and Lot 126 or Lot 127 and Lot 128) to the satisfaction of the Sacramento County Water Agency (SCWA). Acceptance and approval of the site shall be subject to meeting Department Health Services (DHS) setback requirements and obtaining acceptable results from hydrogeologic evaluations (exploratory drilling).	Prior to issuance of improvement plans	Department of Water Resources	

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	If these conditions cannot be satisfied, then an alternate site on the Schuler Ranch Subdivision shall be selected and similarly evaluated. Prior to final map approval, the project proponent shall grant right-of-entry to SCWA to conduct hydrogeologic evaluations. In addition, prior to final map recordation, the property owner shall enter into an agreement with SCWA consistent with Chapter 22.50 of the Sacramento County Code (City of Elk Grove Code) and Government Code Title 7, Division 2, Article 4.			
40.	The applicant is required to connect to the existing Sacramento County Water Agency system at a minimum of two locations. Please coordinate with the Agency and adjacent projects.	Prior to issuance of a building permit	Department of Water Resources	
41.	The Sacramento County Water Agency (SCWA) will not issue water connection permits or sign improvement plans until adequate water supplies have been identified and secured to the satisfaction of SCWA.	Prior to issuance of a water connection permits and signing of improvement plans	Department of Water Resources	
42.	The applicant shall obtain a sewer service, construct a public trunk and collector sewer to the satisfaction of the CSD-1. An interim sewer pump station will be necessary to provide sewer service prior to the construction of the Sacramento Regional County Sanitation District South Interceptor Sewer Project. Design of the public trunk sewer and interim lift station shall be coordinated with and approved by CSD-1. Sacramento County Improvement Standards apply to on-site sewer construction.	Prior to issuance of a building permit	CSD-1	
43.	The applicant shall provide a sewer study to the satisfaction of the CSD-1.	Prior to signing of improvement plans	CSD-1	
44.	The applicant shall dedicate drainage easements and install facilities pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code and Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.	Prior to issuance of a building permit	Department of Water Resources, Drainage	
45.	The applicant shall provide offsite drainage improvements and easements pursuant to the City of Elk Grove Floodplain Management Ordinance and the City of Elk Grove Improvement Standards consistent with phasing of the ultimate drainage improvement plans already approved by the City of Elk Grove.	Prior to issuance of a building permit	Department of Water Resources, Drainage	
46.	The applicant shall annex to the City of Elk Grove Stormwater Utility as administered by the County of Sacramento Department of Water	Prior to issuance of a building permit	Department of Water Resources,	

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	Resources pursuant to the Sacramento County Water Agency Code and the City of Elk Grove Improvement Standards.		Drainage	
47.	The applicant shall dedicate the landscape corridor for overhead and underground facilities and appurtenances adjacent to Bruceville Road.	Prior to issuance of a building permit	SMUD	
48.	The applicant shall submit a Storm Water Pollution Prevention Plan to the State Water Resources Control Board.	Prior to signing of improvement plans	Dept. Water Resources	
49.	The applicant shall enter into an agreement with the Elk Grove Community Services District which addresses landscape corridors. All standard park conditions shall apply.	Prior to recordation of a final map	EGCSD, Parks & Recreation Department	
50.	The applicant shall provide park land dedication and fees as required by the City of Elk Grove.	Prior to issuance of building permit	EGCSD, Parks & Recreation Department	
51.	The applicant shall a dedicate a 25-foot wide landscape corridor adjacent to the right-of-way for New Poppy Ridge Road and 17 th Street, and a 36-foot wide landscape corridor adjacent to Bruceville Road. The corridors are to be constructed to EGCSD standards and to the satisfaction of the department.	Prior to issuance of building permit	EGCSD, Parks & Recreation Department	
52.	The landscape corridor walls shall be of masonry construction and use graffiti resistant materials. The wall design and materials shall be subject to EGCSD approval.	Prior to issuance of a building permit	EGCSD, Parks & Recreation Department	
53.	The applicant shall participate in a Landscape and Lighting Assessment District to the satisfaction of the EGCSD. (see letter for detail)	Prior to recordation of final map	EGCSD, Parks & Recreation Department	
54.	The applicant shall protect and preserve all native and landmark trees within land to be conveyed to EGCSD according to standard county tree preservation measures. Native and landmark trees to be removed shall be compensated on an inch per inch basis consistent with county tree mitigation measures. Prior to conveyance of land provide an arborist report assessing species, size, health and location of trees contained on subject properties and comply with findings of report to the satisfaction of the EGCSD. All costs incurred in complying with the arborist recommendations will be the responsibility of the project proponent.	Prior to signing of improvement plan	EGCSD, Parks & Recreation Department	
55.	The applicant shall provide a tree preservation plan to be reviewed with the district, specifically as it relates to Bruceville, New Poppy Ridge and 17 th Street. (See letter for detail)	Prior to recordation of a final map	EGCSD, Parks & Recreation Department	
56.	Any changes to the conditions imposed by EGCSD Parks and Recreation requires authorization from EGCSD Parks and Recreation.	Prior to issuance of a building permit	EGCSD, Parks & Recreation	

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			Department	
57.	The applicant will need to submit a cross section of all landscape corridors which depicts all trees, which are slated to be preserved.	Prior to issuance of a building permit	EGCSD, Parks & Recreation Department	
58.	The applicant shall pay fair share mitigation fees for the State Route 99 HOV lane extension from the Elk Grove Boulevard Interchange to the Grant Line road Interchange	Prior to issuance of a building permit	Caltrans	
59.	The applicant shall be required to pay an East Franklin Specific Plan Preparation Reimbursement Fee, as adopted by the City of Elk Grove, for the purpose of reimbursing property owners within the specific plan through the East Franklin Property Specific Plan.	Prior to recordation of the final map	Planning Division	
60.	The Elk Grove Unified School District (the "School District") has funded and built and is in the process of funding and building certain oversized infrastructure that will be of direct benefit to Developer's Project. The applicant and/or developer shall provide written correspondence from the Elk Grove School District's Assistant Superintendent of Facilities establishing that Developer has adequately provided for the reimbursement of infrastructure costs incurred by the School District on behalf of Developer's Project.	Prior to issuance of the first building permit for residential construction	Elk Grove Unified School District	

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Advisory Comments

- a. Unless otherwise noted, all improvements and fees shall be at the expense of the developer, including and fee required by Ordinance No. 1 of the Sacramento County Water Agency Code.
- b. Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.
- c. Permits and/or fees are required for the following reviews: civil plan, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.
- d. The applicant is required to pay a pro-rata share of the Laguna South public facilities fee to fund various infrastructure improvements within the EFSP. (Infrastructure Financing)
- e. The trunk sewer design and construction may be reimbursed by CSD-1. Prior to initiating design of any trunk sewer facility, contact the department for details regarding the CSD-1's Trunk Sewer Reimbursement Program. Failure to strictly comply with the provisions of the CSD-1 Connection Fee Ordinance may jeopardize trunk sewer reimbursement. (County Sanitation)
- f. The interim sewer lift station is not subject to reimbursement by CSD-1. However, a reimbursement agreement can be created to establish a service area for the lift station from which reimbursement fees may be collected from the future users of the interim facility. (County Sanitation)
- g. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk for sewer impact fee information. (County Sanitation)
- h. Landscape corridors, masonry sound walls, traffic islands and/or tree wells are subject to standards outlined by the EGCSDFD. (CSD-1, Parks and Recreation)
- i. Secure approval from the Public Works Department of a civil-engineered site improvement plan for all on-site and off-site improvements associated with this project.
- j. The project shall conform to the specific provisions of the City of Elk Grove Landscape Water Conservation Ordinance (Chapter 14.10 of the Municipal Code) to the satisfaction of the City Landscape/Oak Tree Coordinator. (Planning)
- k. The applicant should contact PG&E if they request electric and gas service to the project area. (PG&E)
- l. Homes exceeding 3,601 square feet or more (including the garage and covered areas) require an additional water flow analysis. Homes 3,601 square feet to 4,800 square feet require 1,750 gpm and homes 4,801 square feet to 6,200 square feet require 2,000 gpm for fire flow. (CSD-1, Fire Department)
- m. All CSD-Fire Department standard residential conditions are applicable to this project. (CSD-1, Fire Department)

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- n. The site will be served by a regional water quality treatment facility. On-site source control measures are required for this project in accordance with the latest version of the City and County of Sacramento's Guidance Manual for On-Site Stormwater Quality Control Measures. [County of Sacramento Department of Water Resources, Stormwater Quality]

Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the City of Elk Grove Code, a Mitigation Monitoring and Reporting Program, City Control Number EG 01-188 has been established for the project entitled "**SCHULER RANCH REZONE AND TENTATIVE SUBDIVISION MAP**".

The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

It shall be the responsibility of the project applicant to provide written notification to the Environmental Coordinator, in a timely manner, of the completion of each Mitigation Measure as identified on the preceding pages. The City of Elk Grove Planning Department will verify, within ten (10) business days of notification that the project is in compliance. Any non-compliance will be reported to the project applicant, and it shall be the project applicant's responsibility to rectify the situation by bringing the project into compliance and re-notifying the Environmental Coordinator. Any indication that the project is proceeding without good-faith compliance could result in the imposition of administrative, civil and/or criminal penalties upon the project applicant in accordance with Chapter 20.02 of the City of Elk Grove Code.

It shall be the responsibility of the project applicant to reimburse the City for all expenses incurred in the implementation of the Mitigation Monitoring and Reporting Program, including any necessary enforcement actions. The initial estimate of City monitoring costs for this project is \$ 1,500, which must be paid to the City of Elk Grove Planning Department. If actual City monitoring costs are less than the initial estimate, the difference will be refunded to the applicant; and if the actual City monitoring costs exceed the initial estimate, a revised estimate and/or supplemental bill(s) will be submitted to the applicant.

Pursuant to Section 20.02.060 of the City of Elk Grove Code, upon the determination of the Environmental Coordinator that compliance with the terms of the approved Mitigation Monitoring and Reporting Program has been achieved, and that there has been full payment of all fees for the project, the Environmental Coordinator shall issue and the City Clerk shall record a Program Completion Certificate for the project.

In order to record the adopted Mitigation Monitoring and Reporting Program with the County Recorder as required by Section 20.02.050(b)(2) of the City of Elk Grove Code, the project applicant shall provide to the City of Elk Grove Planning Department a Legal Description for the real property that is the subject of the project.

The requirements of this adopted Program run with the real property that is the subject of the project, as described in **Exhibit A**. Successive owners, heirs and assigns

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of this real property are bound to comply with all of the requirements of the adopted Program.

Prior to any lease, sale, transfer or conveyance of any portion of the real property that is the subject of the project, the record owner(s) at the time of the application for the project, or his or her successor's in interest, shall provide a copy of the adopted Program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

Chapter 20.02 of the City of Elk Grove Code permits civil remedies and criminal penalties to be imposed in the event of non-compliance with an adopted Mitigation Monitoring and Reporting Program. The civil remedies, which are found in Section 20.02.090 of the City of Elk Grove Code, include injunctive relief, stop work orders, revocation of any special permit granted concurrently with the approval of a Program, and the abatement of any resulting nuisance. The criminal penalties, which are found in Section 20.02.080 of the City of Elk Grove Code, include a fine not to exceed five hundred dollars or imprisonment in the County jail not to exceed six months, or both.

APPENDIX A

Mitigation Measures from East Franklin Specific Plan EIR

AQ-1 In order to control fugitive dust emission during the construction phase of any development within the Specific Plan area (based on SMAQMD guidelines), the following measures shall be implemented:

- a. Water exposed surfaces, graded areas, storage piles, and haul roads at least twice daily.
- b. Minimize the amount of disturbed area, the amount of material actively worked, and the amount of material stockpiled.
- c. Limit onsite construction vehicle speeds to 15 mph.
- d. Sweep or wash paved streets adjacent to project construction sites at least once a day to remove accumulated dust.
- e. Maintain at least two feet of freeboard when transporting soil or other material by truck.

AQ-2 Category 1: Reducing Nox Emissions from Off-Road Diesel Powered Equipment

1. The prime contractor shall submit, to DERA, a comprehensive inventory of

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all the heavy-duty off-road equipment (50 or greater horsepower) that will be used an aggregate of 40 or more hours for the construction project. At a minimum, 20% of the heavy-duty off-road equipment included in the inventory shall be powered by CARB certified off-road engines, as follows:

- 175hp-750 hp 1996 and newer engines
- 100hp-174 hp 1997 and newer engines
- 50hp – 99 hp 1998 and newer engines

Said off-road equipment may be owned and operated by the prime contractor and/or any subcontractor;

or

2. The prime contractor shall provide a plan, for approval by DERA in consultation with SMAQMD, demonstrating that the heavy-duty off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will provide a fleet-averaged Nox emission reduction of 10% compared to an unregulated/uncontrolled fleet. (Includes the use of emulsified fuel in non-certified engines, and other methods not requiring the use of post 1996 – 1998 engines.)

and

Category 2: Reducing Nox Emissions from On-Road Diesel Powered Equipment

1. The prime contractor shall submit, to DERA, a comprehensive inventory of all heavy-duty on-road equipment (50 or greater horsepower) that will be used an aggregate of 40 or more hours for the construction project. At a minimum, CARB-certified low-emission engines shall power 20% of the heavy-duty on-road equipment included on the inventory. Said on-road equipment may be owned and operated by the prime contractor and/or any subcontractor;

or

2. The prime contractor shall provide a plan, for approval by DERA in consultation with SMAQMD, demonstrating that the on-road vehicles to be used in the construction project, and operated by the prime contractor or any subcontractor, will provide a fleet-averaged Nox emission reduction of 10%..(Includes the use of alternative fuels and/or other CARB certified low-emission technologies.)

and

Category 3: Enforcement Plan

An enforcement plan shall be established to weekly evaluate project-related engine emission opacities, modeled after the California Air Resources Board Heavy-Duty Diesel Smoke Enforcement Program. An environmental coordinator certified to perform Visible Emissions Evaluations would routinely "read" off-road equipment exhaust opacity, using opacity standards identified in the California Health and Safety Standards. Engines with readily visible emissions [i.e. a. – As

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dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the U.S. Bureau of Mines, or b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in section a.] shall be repaired immediately. The certified environmental coordinator may be a County inspector, a representative of the prime contractor, or an independent contractor. The Environmental Coordinator shall keep a log of all readings. The SMAQMD and/or ARB may conduct periodic site inspections to determine compliance.

A contractor can meet the emission mitigation requirement by choosing one measure from Category 1, and one measure from Category 2 listed above. Category 3, the Enforcement Plan, is required for both off-road and on-road equipment.

AQ-2 shall be limited in application to include only on-road and off-road mobile construction equipment employed in the construction or development of those infrastructure improvements identified in the East Franklin Financing Plan, including but not limited to roads, standard utilities (natural gas, water, electricity, etc.), drainage improvements, sewer system or related components, schools, fire stations, and parks. This requirement shall not be stayed, regardless of year, unless otherwise made legally moot by the passage of superseding local, state, or federal air quality laws, rules, or regulations, and shall apply to all developers or contractors operating on-road or off-road construction equipment for the life of the (East Franklin Specific Plan Area) project(s).

Additionally, construction-related emissions shall be reduced by application of AQ-2 or shall be offset through the application of a twenty-five dollar assessment attached to each residence constructed in the East Franklin Specific Plan Area, due and payable by the developer upon issuance of building permit by the governing authority for the life of the (East Franklin Specific Plan Area) project(s). This \$25 amount per residence is a one time fee to be paid by the developer(s) of residential and commercial structures within the East Franklin Specific Plan Area which shall be used to subsequently assist the Sacramento Metropolitan Air Quality Management District in the acquisition of qualifying low-emission heavy duty vehicles designed to operate regularly in the East Franklin area to the extent possible, and otherwise within the Sacramento air basin. Funds resulting from this mitigation shall be placed by the developer(s) into an escrow account until such time as they are directed by the Sacramento Metropolitan Air Quality Management District to be transferred to the appropriate institution for use. These funds will likely assist the Elk Grove School District in the purchase of low-emission school buses, or assist in the purchase of low-emission refuse vehicles serving the East Franklin area. Similarly, projects for funding may be identified by the developer, the City, or the Sacramento Metropolitan Air Quality Management District, but shall only be chosen to receive East Franklin air quality mitigation fees by the Sacramento Metropolitan Air Quality Management District Air Pollution Control Officer.

AQ-3 Future development projects shall implement a mixed land use concept to the maximum extent possible. The project design should have a mixture of complementary land uses (i.e., residential land uses located near commercial, recreational, and employment land uses) to minimize vehicle trips.

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approximately 250 feet of the wall will be 6 feet high; and the remaining approximately 250 feet of the wall will be 4 feet high. The wall shall be under construction prior to issuance of the 300th building permit within the East Franklin Specific Plan area. As future development occurs, whether inside or outside of the Specific Plan area, a fair share contribution from those developments will be required so as to reimburse those who provided the initial funding to construct the wall. Such cost shall be reimbursable via the Roadway component of the East Franklin Public Facilities Financing Plan.

- HS-1 All future development proposals on portions of the EFSP area that are known to have supported cattle holding areas or orchard land uses prior to the 1970's, shall implement a soil sampling and analysis program for organochlorine pesticides (i.e., DDT and toxaphene), arsenic and lead around cattle holding areas and previous orchards. *If sampling identifies unacceptable results, the applicants shall report the results to DERA and shall comply with all applicable local and State regulations.*
- HS-2 All future development proposals in areas which show evidence of possible hazardous material contamination (i.e., soil discoloration/staining, stressed vegetation, chemical odors, historic burn dumps) shall provide a site-specific assessment for hazardous materials which has been approved by the County Environmental Management Department, Hazardous Materials Division. If contamination is identified, remediation and disposal procedures shall be undertaken by qualified personnel in accordance with all applicable regulations, and in coordination with all applicable agencies.
- HS-3 Prior to development, any existing water supply wells and septic systems shall be abandoned as required by the County Environmental Management Department, Environmental Health Division.
- HS-4 Prior to demolition of any existing on-site structures, conduct an evaluation of potential asbestos-containing building materials as required by the Sacramento Metropolitan Air Quality Management District. If asbestos-containing materials are identified, remediation and disposal procedures shall be undertaken by qualified personnel in accordance with all applicable regulations, and in coordination with all applicable agencies.
- SG-1 Prior to the approval of improvement plans or recordation of a final subdivision map, whichever occurs first, the applicant shall implement one of the following options to the satisfaction of the Planning Director, to mitigate for the loss of agriculture land which will assist in maintaining the integrity of the Urban Services Boundary:
- a. For each acre of land being developed by this project, the applicant shall preserve 26.2 acres of agricultural land within the area bounded by the Kammerer Road on the north, the Cosumnes River on the east, the Mokelumne River/Sacramento County Line on the south, and Interstate-5 on the west, through the purchase of conservation easements or similar instruments that assure the long term protection of that land from urban encroachment; or
 - b. For each acre of land being developed by this project, the applicant shall contribute \$950.00 per acre (through direct contribution or other financing

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mechanism that results in an equivalent contribution) into a fund and program to expend such fund, to be used to purchase conservation easements or similar instruments within the same geographical area defined in part (a), and to provide for the ongoing monitoring and administration of the program (the fund, and program to expend such fund, are to be approved by the City Council); or

- c. Should the County Board of Supervisors or the Elk Grove City Council adopt a permanent program to preserve agricultural land in the same geographical area defined in part (a), prior to implementation of one of the above measures, and such a permanent program is intended to replace this condition, the applicant shall be subject to that program instead.
- d. The contribution rate (\$950 per acre) may be adjusted annually on or about July 1, subject to approval by the Board, based upon the annual increase in the consumer price index, or based upon a detailed analysis of land values within the affected area.

BR-1 Applicants for future development projects within the EFSP area shall submit a wetland delineation of the proposed development area, and shall provide a detailed plan which describes the specific methods to be implemented to mitigate any project impacts upon wetlands such that no net loss in wetland habitat is achieved.

BR-2 Applicants for future development projects within the EFSP area shall obtain all necessary U.S. Army Corps of Engineers permits pursuant to Section 404 of the Clean Water Act, and all necessary California Endangered Species Act permits and Streambed alteration Agreements from the California Department of Fish and Game pursuant to the Fish and Game Code.

BR-5 Applicants for future development projects within the project area shall conduct (or update) determinate surveys for potentially occurring special status species or their habitat using protocol acceptable to the regulatory agencies with authority over these species

If any of the special status species or their habitat are indicated, a detailed plan which describes the specific methods to be implemented to avoid and/or mitigate any project impacts upon special status species to a less than significant level will be required. This detailed Special Status Species Avoidance/Mitigation Plan shall be prepared in consultation with the USFWS and CDFG, and shall emphasize a multi-species approach to the maximum extent possible.

Where project impacts include taking of a federally listed species, a Section 10 Incidental Take Permit or a Biological Opinion resulting from Section 7 Consultation with another federal agency shall be obtained from the USFWS and permit conditions implemented pursuant to the federal Endangered Species Act.

Where project impacts include taking of a state listed species, an Incidental Take Permit shall be obtained from the CDFG and permit conditions implemented, pursuant to the California Endangered Species Act.

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BR-6 Future development projects within the project area which result in a loss of Swainson's hawk foraging habitat shall mitigate for such loss by implementing one of the following alternatives:

- For projects within a one-mile radius of an active nest site, the project proponent shall preserve 1.0 acre of similar habitat for each acre lost within a ten-mile radius of the project site. For projects within a one to five mile radius of an active nest site, the project proponent shall preserve 0.75 acre of similar habitat for each acre lost within a ten-mile radius of the project site. For projects within a five to ten-mile radius of an active nest site, the project proponent shall preserve 0.5 acre of similar habitat for each acre lost within a ten-mile radius of the project site. This land shall be protected through fee title or conservation's easement acceptable to the Department of Fish and Game.
- Prepare and implement a Swainson's hawk mitigation plan to the satisfaction of the California Department of Fish and Game that includes preservation of Swainson's hawk foraging habitat.
- Submit payment of a Swainson's hawk impact mitigation fee per acre impacted to the Department of Planning and Community Development in the amount as set forth in Chapter 16.130 of the Sacramento County Code as such may be amended from time to time and to the extent that said Chapter remains in effect.
- Should the County Board of Supervisors adopt a Swainson's hawk mitigation policy or program (which may include a mitigation fee payable to the issuance of building permits) prior to implementation of one of the measures above, the project proponent may be subject to that program instead.

BR-7 Future development projects located within one mile of an active Swainson's hawk nest site (i.e., potentially most of the plan area) shall consult with the California Department of Fish and Game (CDFG) prior to approval of Improvement Plans or Building Permits, whichever occurs first, to ensure that no individual take of Swainson's hawk occurs. The CDFG may require such projects to conduct pre-development surveys to determine the presence or absence of the hawk. If such surveys detect the hawk, the CDFG may impose restrictions on proximate development during the nesting season to ensure that take does not occur.

BR-8 Prior to each phase of grading and construction, a pre-construction survey shall be performed between April 1 and July 31 to determine if active raptor nesting is taking place in the area. If nesting is observed, consultation with the California Department of Fish and Game shall occur in order to determine the protective measures required for nesting birds of prey. If nesting is not observed, further action is not required.

BR-10 Future development projects within the project area shall submit a survey identifying the specific type, size and location of all existing on-site trees. Existing on-site trees shall be protected and preserved to the maximum extent feasible. The removal of any native oak tree measuring 6 inches or greater in diameter at breast height (dbh) and the removal of any non-oak native tree (excluding cottonwoods) measuring 19 inches or greater dbh shall be compensated by planting replacement trees (in-kind species on an inch-for-inch basis) within the

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project area. In addition, other non-native landmark size (19 inches dbh or greater) may require mitigation as determined on a project-by-project basis.

BR-11 The native oak trees occurring in rows along the rights-of-way of Bruceville Road, Elk Grove Boulevard and Franklin Boulevard (to the extent possible) shall be preserved in landscaped corridors and medians to the satisfaction of the County Tree Coordinator and County Transportation Division.

CR-3 When specific development plans are filed for parcels not covered by the current Survey Area, a detailed archeological survey will be required. The purpose of the survey would be identification of any prehistoric resources and, as necessary, augmentation of the information on historic structures presented in this overview. This inventory shall comply with Section 106 of the National Historic Preservation Act and CEQA requirements and include consultation with the Northern California Information Center, Native American groups, and the County Historical Society. The resulting report shall include results of the background literature search and field survey, an historic context statement, an analysis of the potential significance of noted resources, and recommendations for their preservation and/or mitigation.

CR-4 Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Department of Environmental Review and Assessment shall be immediately notified at (916) 874-7914. At that time, the Department of Environmental Review and Assessment will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, adhere to the guidelines of the Native American Heritage Commission in the treatment and disposition of the remains.

HD-1 The Specific Plan and/or the Public Facilities Financing Plan shall be revised to include provisions to allow fees to be collected from project proponents to implement measures to reduce the risk of downstream flooding damage that may occur as a result of project-generated increases in 100-year flood depths. Measures could include but are not limited to the following:

- Providing flood insurance for downstream landowners at locations subject to measurable increases in 100-year water surface elevations as a result of the proposed project;
- Establishing contingency funds for buy-out or otherwise providing fair-market compensation to property owners of affected structures for flood damages resulting from increased 100-year water surface elevations caused by the project;
- Flood-proofing of existing structures in downstream locations subject to measurable increases in 100-year water surface elevations as a result of the proposed project. Flood-proofing methods could include, but are not limited to, raising the existing structure above the base flood elevation (BFE), building

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a new foundation, reconstructing the structure on fill, or surrounding it with a ring levee.

- Flood-proofing groups of structures (rather than individually) subject to measurable increases in 100-year water surface elevations as a result of the proposed project. Structural protection such as earthen levees, floodwalls, detention basins, or equally effective measures could be constructed to protect downstream locations subject to increased flood depths.

HD-2 Prior to approval of final design and construction plans for off-site drainage facility improvements, all necessary permits and/or agreements for the proposed improvements must be obtained from the US Army Corps of Engineers, US Fish and Wildlife Service, and California Department of Fish and Game; and the following items must be submitted to the Elk Grove City Council for review and approval:

- Wetlands delineation for the affected area as verified by the US Army Corps of Engineers.
- Detailed mitigation plan for wetlands to be impacted by the proposed improvements which specifically describes the measures that will be implemented to achieve no net loss in wetland habitat acreage and values.
- Determinate surveys for potentially occurring special status species in the affected areas.
- Detailed mitigation plan developed in cooperation with the regulatory resource agencies (US Corps of Engineers, US Fish and Wildlife Service, and California Department of Fish and Game) that is designed to reduce impacts to any special status species identified in the determinate surveys to a less than significant level.