

RESOLUTION NO. 2002-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE UPHOLDING AN APPEAL FILED BY CSD-1 AND APPROVING A TENTATIVE SUBDIVISION MAP AND A SPECIAL DEVELOPMENT PERMIT WITH A REQUIREMENT FOR DRY SEWER LINES AND A SEWER STUDY FOR THE SLEEPY HOLLOW PROJECT EG-01-126

WHEREAS, the Sleepy Hollow project, represented by Mark Nelson (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for the following:

- A Tentative Subdivision Map (Exhibit A) creating twenty (20) new parcels (Assessor's Parcel Number 122-0260-093); and
- A Special Development Permit to allow for lots less than two acres in size.

WHEREAS, a Negative Declaration was prepared for this project, was circulated according to the requirements of the California Environmental Quality Act (CEQA), and was adopted by the Planning Commission; and

WHEREAS, the Planning Commission approved the project without a requirement for dry sewer lines on April 11, 2002; and

WHEREAS, the CSD-1 appealed the Planning Commission's approval of the project without dry sewer lines, and the City Council is the appropriate authority to hear and take action on this project subsequent to the appeal pursuant to §115-38 of the City's Zoning Code; and

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

1. Approve the Tentative Subdivision Map for the Sleepy Hollow project, based on the following findings and the attached conditions of approval (Exhibit B).

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. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.

- e. That the 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. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g. That 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 maps are consistent with the General Plan.
 - 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 and consistent with the type of development permitted by the General Plan.
 - d. The site is appropriate for the General Plan's specified density of development.
 - e. A Negative Declaration has been prepared for the Sleepy Hollow project.
 - f. A Negative Declaration has been prepared for the Sleepy Hollow project.
 - 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.
2. Approve the Special Development Permit for the Sleepy Hollow project, based on the following findings and the attached conditions of approval (Exhibit B).

Findings: The proposed special development permit will not cause a hazard or nuisance in the community at large or establish a use or development inconsistent with the goals, policies and objectives of the General Plan and will not result in significant damage to environmentally sensitive or significant physical features that may exist on the site.

Evidence: The proposed development will carry out and be consistent with the intent of the General Plan. The proposed development is of sufficient size and is designed so as to provide a desirable environment within its boundaries. The proposed development is compatible with the existing and proposed land uses in the surrounding area.

3. For the purpose of implementing policy LU-48 of the Land Use Element of the City's General Plan, the Council finds that the intent of this policy is that subdivisions resulting in residential lots less than 2.0 net acres in size "shall either connect to or provide for ultimate connection to the public sewer and water systems."

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

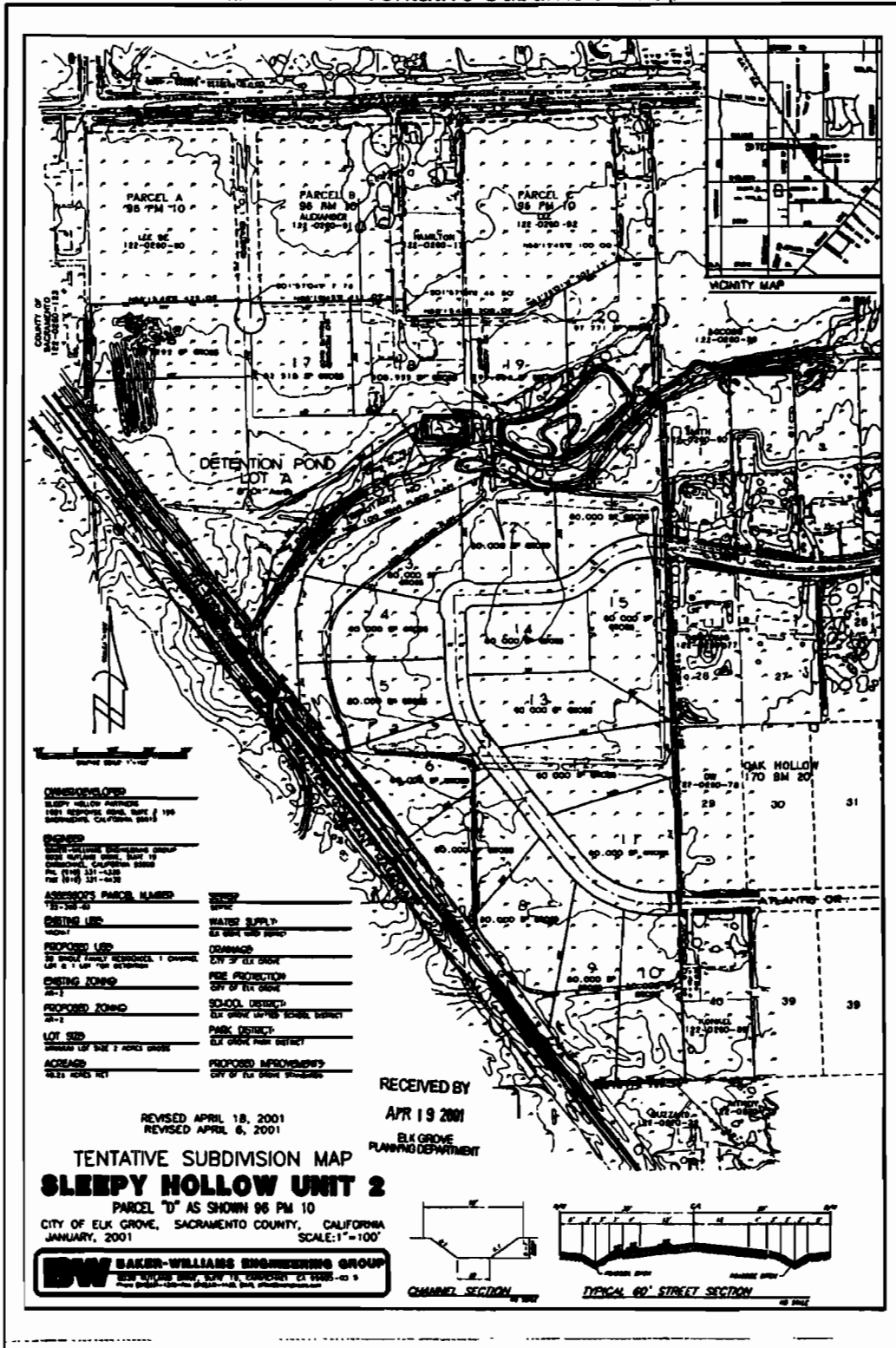
APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

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

Exhibit A – Tentative Subdivision Map



UNDEVELOPED	SLEEPY HOLLOW AVENUE
BOARDS	1991 RESUBDIVISION MAP, 1991
ADJACENT PARCEL NAMED	WATER SUPPLY
EXISTING LID	SEWER
PROPOSED LID	DRAINAGE
EXISTING ZONING	28-1
PROPOSED ZONING	28-1
LOT SUB	28-1
ACREAGE	0.21

RECEIVED BY
 APR 19 2001
 ELK GROVE
 PLANNING DEPARTMENT

REVISED APRIL 18, 2001
 REVISED APRIL 6, 2001

TENTATIVE SUBDIVISION MAP
SLEEPY HOLLOW UNIT 2
 PARCEL 10 AS SHOWN 96 PM 10
 CITY OF ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA
 JANUARY, 2001

BW BAKER-WILLIAMS ENGINEERING GROUP
 2500 UNIVERSITY BLVD., SUITE 110, CARSON, CA 94515
 TEL: (925) 438-1100 FAX: (925) 438-1101

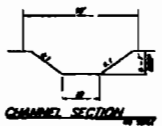


Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1. The development approved by this action is for a Tentative Subdivision Map for 20 single-family residential lots and other parcels and a Special Development Permit as described in the Planning Commission report and associated Exhibits and Attachments dated March 28, 2002, including representations made by the applicant during the March 28, 2002 Planning Commission meeting and the June 5, 2002 City Council meeting. Pursuant to the Special Development Permit, each lot or parcel shall have a minimum gross area of 80,000 square feet.	On-Going	Planning Division	
2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning Division	
3. The Tentative Subdivision Map approval is valid for three years from the date of Planning Commission approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of Planning Commission approval.	Planning Division	
4. The Applicant shall hold harmless the City, its Council Members, its 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.	On-Going	Planning Division	

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5.	Concurrently with the recordation of the final map, dedicate Lot B to the City of Elk Grove. (Water Resources)	Final Map	Water Resources	
6.	Concurrently with the recordation of the final map, reserve Lot A for the Sacramento County Water Agency for a proposed detention basin. (Water Resources)	Final Map	Water Resources	
7.	Concurrently with the recordation of the final map, dedicate easements for raw water mains and reserve a 50-foot by 100-foot water well site located 1,000 feet from the Calvine Water Treatment Facility to the satisfaction of the Sacramento County Water Agency per Department of Health Services (DHS) standards. Generally, DHS requires a 200-foot separation between forced sewer mains and well sites and, a 100-foot separation between gravity sewer pipes and well sites. (Water Supply)	Final Map	Water Supply	
8.	Concurrently with the recordation of the final map, dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public ways. (SMUD)	Final Map	SMUD	
9.	Concurrently with the recordation of the final map, dedicate any private drive, ingress and egress easement, or Irrevocable Offer of Dedication and 12.5 feet adjacent thereto as a public utility easement for underground facilities and appurtenances. (SMUD)	Final Map	SMUD	

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10.	<p>Public water shall be provided as follows:</p> <ul style="list-style-type: none"> a. Prior to the recordation of the final map, provide a bond for the installation of separate water service to each parcel. b. Concurrently with the recordation of the final map, dedicate water easements to the satisfaction of Sacramento County Water Agency. c. Prior to the issuance of building permits, provide separate water service to each parcel. (Water Supply) 	<p>Final Map and Prior to the Issuance of Building Permits</p>	<p>Water Supply</p>	
11.	<p>Public street improvements shall be provided as follows:</p> <ul style="list-style-type: none"> a. Prior to the recordation of the final map, provide a bond for the installation of public street improvements. b. Concurrently with the recordation of the final map, dedicate right-of-way for the indicated streets. c. Prior to the issuance of building permits, install public street improvements pursuant to the Elk Grove City Improvement Standards, including offsite street improvements to provide a minimum of 32 feet of pavement within the existing 60-foot IOD connecting the project to Calvine Road. Note: Pavement width shall be 32 feet for the Class "C" section proposed. (LDSIR) 	<p>Final Map and Prior to the Issuance of Building Permits</p>	<p>LDSIR</p>	

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<p>12. The final map shall either show parcels at a minimum of 2.0 net acres in size or provide dry sewer lines as follows:</p> <ul style="list-style-type: none"> a. Prior to the recordation of the final map, provide a bond for the installation of dry public sewer collector. b. Concurrently with the recordation of the final map, the applicant shall enter into a "Deferred Sewer Infrastructure Agreement" with the CSD-1. c. Prior to the issuance of building permits, install dry public sewer collector to the satisfaction of CSD-1. Each parcel must have a separate connection to the future public sewer system. Elk Grove Improvement Standards apply to onsite sewer construction. (CSD-1) d. When public sewer becomes available, Sewer Facility Impact Fees will be required upon connection to the public sewer system. The applicant should contact the Sewer Fee Quote Desk for sewer impact fee information. (CSD-1) 	<p align="center">Final Map and Prior to the Issuance of Building Permits</p>	<p align="center">CSD-1</p>	
<p>13. Drainage infrastructure shall be provided as follows:</p> <ul style="list-style-type: none"> a. Prior to the recordation of the final map, provide a bond for the installation of drainage improvements. b. Concurrently with the recordation of the final map, dedicate drainage easements. c. Prior to the issuance of building permits, install drainage facilities pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento 	<p align="center">Final Map and Prior to the Issuance of Building Permit</p>	<p align="center">Water Resources</p>	

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<p>County Water Agency Code, and City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code. Improvements shall include channel improvements to Laguna Creek Tributary No.1 so that the 100-year floodplain is contained within Lot B (except lots 18, 19, and 20) and there are no downstream or upstream impacts to the 100-year water surface elevations. (Water Resources)</p>			
<p>14. Concurrently with the recordation of the final map, record a maintenance agreement involving all the parcels of the subject map that will utilize the private street, assuring timely maintenance of the private street. (LDSIR)</p>	<p align="center">Final Map</p>	<p align="center">LDSIR</p>	
<p>15. Concurrently with the recordation of the final map, match the Corfu Drive centerline with the proposed street centerline to the west. (Transportation Division)</p>	<p align="center">Final Map</p>	<p align="center">Transportation Division</p>	
<p>16. Concurrently with the recordation of the final map, match the Atlantis Drive centerline with the proposed street centerline to the west. (Transportation Division)</p>	<p align="center">Final Map</p>	<p align="center">Transportation Division</p>	
<p>17. On the final map, provide a minimum turning radius of 38 feet inside and 55 feet outside for private road from existing IOD. Driveways shall be a minimum of 16 feet wide and capable of supporting 65,000 gvw. Driveways longer than 150 feet shall have an approved Fire Department turnaround. (EGCSD Fire)</p>	<p align="center">Final Map</p>	<p align="center">Fire Department</p>	

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18.	To mitigate for noise impacts, the final map and all improvement plans shall show a 60-foot residential setback line from the northeastern edge of the California Company Traction Company Railroad Tracks. Any future residential dwelling shall be constructed outside of the 60-foot setback. This would meet the General Plan exterior noise standard of 60 dB Ldn. Any non-residential accessory structures shall comply with the setback requirements in the City's Zoning Code. (MM XI-1)	Final Map	Planning Division	
19.	An approved sewer study to the satisfaction of CSD-1 will be required prior to submittal to CSD-1 of improvement plans. (CSD-1)	Prior to Approval of Improvement Plans	CSD-1	
20.	<p>Prior to the issuance of grading permits, the California Regional Water Quality Control Board requires the following:</p> <p>a. A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-28-DWQ is required when a site involves clearing, grading, disturbances to the ground of at least 5 acres of total land area. A Construction Activities Storm Water General Permit must be obtained prior to construction. (CRWQCB)</p> <p>b. Section 401 of the federal Clean Water Act required any project that impacts waters of the State (such as streams and wetlands) to file a 401</p>	Prior to the Issuance of Grading Permits	California Regional Water Quality Control Board	

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<p>Water Quality Certification application with the CRWQCB. The applicant must certify the project will not violate state water quality standards. Projects include, but are not limited to stream crossings, modification of stream banks or stream courses, and the filling or modification of wetlands. If a U.S. Army Corp of Engineers (ACOE) permit is required for the project, then Water Quality Certification must be obtained prior to initiation of project activities. The proponent must follow the ACOE 404(b)(1) Guidance to assure approval of their 401 Water Quality Certification application. (CRWQCB)</p> <p>c. The proponent may be required to file a Dewatering Permit covered under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Order No.5-00-175 (NPDES CAG995001) provided they do not contain significant quantities of pollutants and are either (1) four months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 mgd. (CRWQCB)</p>			
<p>21. Prior to issuance of grading permit, comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with the Sleepy Hollow Tentative Subdivision Map (48 +/- acres). Until the MMRP has been recorded and the estimated</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Planning Division</p>	

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<p>MMRP fee of \$1,500 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.</p>			
<p>22. Prior to issuance of grading permit or approval of improvement plans, or as specified in adopted Swainson's hawk mitigation policies of programs in effect at the time of request, the project proponent shall mitigate for potential impacts to Swainson's Hawk habitat according to any one of the following measures:</p> <ul style="list-style-type: none"> • Preserve 0.75-acre of similar habitat for each acre lost (48.2 acres x 0.75= 36 acres). This land should be protected through a fee title or conservation easement acceptable to the California Department of Fish and Game (CDFG) and proof of fee title or conservation easement shall be submitted to the Planning Division; OR • Prepare and implement a Swainson's hawk mitigation plan for loss of 48.2 acres of foraging habitat to the satisfaction of the California Department of Fish and Game that includes the preservation of Swainson's hawk foraging habitat and submit copy of approved plan to the Planning Division; OR • Submit payment of a Swainson's hawk impact 	<p>Prior to issuance of a Grading Permit or Approval of Improvement Plans</p>	<p>Planning Division</p>	

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	mitigation fee per acre impacted to the City of Elk Grove Planning Division in the amount 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 that said Chapter remains in effect (\$27,382 = 36 acres x \$750 per acre + \$382 administrative fee). (MM IV-12)			
23.	<p>For those wetland areas to be disturbed, the project proponent shall provide in-kind wetland habitat compensation prior to any site disturbance.</p> <p>In-kind compensation may include a combination of wetland enhancement, creation, and/or participation in an approved wetland mitigation bank. Typically, compensation rates require at least 2 acres of mitigation wetland vegetation with native wetland species for each acre of wetland that is impacted (Note: mitigation compensatory ratios will be determined during the Section 404 permit process with the US Army Corps of Engineers, and will depend on the amount, type, and quality of the wetland habitat that is impacted). For vernal pools see additional mitigation requirements listed below under "Vernal Pool Fairy and Tadpole Shrimp Habitat". (MM IV-16)</p>	<p>Prior to Any Site Disturbance, Issuance of a Grading Permit, or Approval of Improvement Plan, Whichever Occurs First</p>	<p>Planning Division and US Army Corps of Engineers</p>	
24.	<p>Prior to any site disturbance, the project proponent shall initiate informal consultation with USFWS to determine whether or not potential giant garter snake habitat exists on-site. This may include retaining a qualified herpetologist who is acceptable to the</p>	<p>Prior to any Site Disturbance, Issuance of Grading Permit, or Approval of Improvement Plan,</p>	<p>Monitoring by Qualified Herpetologist reporting to Planning Division, CDFG, and USFWS.</p>	

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<p>USFWS regarding giant garter snake habitat evaluation, to evaluate the potential suitability for habitats at the site to support giant garter snake using USFWS habitat parameters for the species. If it is determined that the site does not support suitable habitat, no further mitigation is needed. The project applicant shall provide the City with proof of the consultation before construction activities may begin. If it is concluded that the site does in fact support suitable habitat for the species, Measure IV-2 will also need to be implemented. (MM IV-1)</p>	<p>Whichever Occurs First</p>		
<p>25. If it is determined that potential giant garter snake habitat exists on-site, the project applicant shall conduct a survey utilizing approved USFWS and/or CDFG protocol to determine whether any giant garter snakes exist on-site. If the surveys do not reveal the presence of giant garter snake at the site and the USFWS concurs with the negative finding (i.e., site does not support giant garter snake), no further mitigation is required. The project applicant shall provide the City with proof of the consultation before construction activities may begin.</p> <p>If the giant garter snake is found to occur onsite; or if USFWS does not concur with a negative finding; or if the project proponent elects to assume the snake is present, the project proponent shall conference with the USFWS and the DFG prior to any site disturbance to confirm impacts on the giant garter snake and its</p>	<p>Prior to any Site Disturbance, Issuance of Grading Permit, or Approval of Improvement Plan, Whichever Occurs First</p>	<p>Monitoring by Qualified Herpetologist reporting to Planning Division, CDFG, and USFWS.</p>	

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<p>habitat and finalize mitigation measures. The project proponent shall also implement MM IV-3 through MM IV-7, or as directed by USFWS and CDFG. The project applicant shall provide the City with proof of the consultation before construction activities may begin. (MM IV-3)</p>			
<p>26. If it is determined that the site supports giant garter snake, within 30 days prior to commencement of construction activities, a pre-construction survey of land within 200 feet of all wetlands, channels, ponds, and other such waterways within the project area shall be conducted by a qualified biologist retained by the City and funded by the project applicant who is approved by the Service's Sacramento Fish and Wildlife Office. In order to protect snakes, de-watering of areas within the site shall not occur prior to completion of the pre-construction surveys. The biologist will provide the Service with a field report form documenting the monitoring efforts within 24-hours of commencement of construction activities. The monitoring biologist shall be retained by the City and funded by the project applicant to routinely monitor construction activities. If a snake is encountered during construction activities, the monitoring biologist shall contact the City Community Development Department, Planning Division and will have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. Giant garter snakes encountered during</p>	<p align="center">30 Days Prior to Grading and Commencement of Construction Activities</p>	<p align="center">USFWS and City of Elk Grove Community Development Department, Planning Division.</p>	

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<p>construction activities should be allowed to move away from construction activities on their own. Capture and relocation of trapped or injured individuals can only be attempted by personnel or individuals with current Service recovery permits pursuant to Section 10(a) 1 (A) of the Act. The biologist shall be required to report any incidental take to the Service immediately by telephone at (916) 979-2725 and by written letter addressed to the Chief, Endangered Species Division, within one working day. The project area shall be re-inspected whenever a lapse in construction activities of two weeks or greater has occurred. (MM IV-3)</p>			
<p>27. If a giant garter snake is identified within the project area either during pre-construction surveys or during construction, the following shall occur:</p> <ol style="list-style-type: none"> 1. The City of Elk Grove shall be notified; 2. The City shall suspend all construction activities; 3. The project applicant shall consult with the USFWS and CDFG to determine appropriate mitigation for the species and habitat loss; and, 4. The project applicant shall provide the City with proof of the consultation before construction activities may resume. (MM IV-4) 	<p>Prior to and During Construction Activities</p>	<p>USFWS and City of Elk Grove Community Development Department, Planning Division</p>	
<p>28. If it is determined that the site supports giant garter snake, no grading or other construction activities shall be conducted from October 1 to April 30, which is the inactive period of the giant garter snake. More</p>	<p>Prior to Grading and During Construction Activities</p>	<p>City of Elk Grove Community Development Department, Planning</p>	

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<p>danger is posed to snakes during their inactive period, because they are occupying underground burrows or crevices and are more susceptible to direct effects, especially during excavation. A "no grading" period from October 1 to April 30 will apply to portions of the project area located within 1,000 feet of ditches, canals, ponds, wetlands or other such areas. (MM IV-5)</p>		Division.	
<p>29. If it is determined that the site supports giant garter snake, dewatering of ponds, ditches, canals and other such areas may begin any time after November 1, but no later than April 1 of the following year. Once the absence of the species is determined or implementation of Mitigation Measure IV-4 has been completed. All water must be removed by April 15, or as soon thereafter as weather permits, and the habitat must remain dry without any standing water for 15 consecutive days after April 15 and prior to excavating or filling the dewatered habitat. (MM IV-6)</p>	Prior to and During Construction Activities	City of Elk Grove Community Development Department, Planning Division and CDFG	
<p>30. If it is determined that the site supports giant garter snake, construction personnel shall participate in a Service-approved worker environmental awareness program. Under this program, workers shall be informed about the presence of giant garter snakes and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of the Act. Prior to construction activities, a qualified biologist approved by the Service shall instruct all construction personnel about: (1) the life</p>	Prior to Grading and Construction	USFWS and City of Elk Grove Community Development Department, Planning Division.	

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<p>history of the giant garter snake; (2) the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the giant garter snake; and (3) the terms and conditions of the biological opinion. Proof of this instruction shall be submitted to the City Planning Division and the Sacramento USFWS Office. (MM IV-7)</p>			
<p>31. Prior to site disturbance, the project proponent shall retain a qualified botanist approved by the City to conduct appropriately timed focused surveys for special-status plant species to determine the presence or absence of the following species on the project site. Identification periods for the special-status plant species are as follows: March-May for Dwarf downingia (<i>Downingia pusilla</i>) and Pincushion navarretia (<i>Navarretia myersii</i>); July-September for Four-angled spikerush (<i>Eleocharis quadrangulata</i>); April-June for Bogg's Lake hedge hyssop (<i>Gratiola heterosepala</i>); August-September for Rose mallow (<i>Hibiscus lasiocarpus</i>); May-June for Delta tule pea (<i>Lathyrus jepsonii</i> var. <i>jepsonii</i>); Legenere (<i>Legenere limosa</i>), and Sacramento orcutt grass (<i>Orcuttia viscida</i>). April-May for Ahart's dwarf rush (<i>Juncus leiospermus</i> var. <i>ahartii</i>); May-July for Slender orcutt grass (<i>Orcuttia tenuis</i>) and May-August for Sanford's arrowhead (<i>Sagittaria sanfordii</i>). If no special-status plants are located onsite during surveys this impact shall be considered less than significant and no further action would be required.</p>	<p>Prior to any Site Disturbance, Issuance of Grading Permit, or Approval of Improvement Plan, Whichever Occurs First</p>	<p>Monitoring by qualified biologist reporting to Planning Division/CDFG and USFWS.</p>	

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<p>If the surveys identify the presence of special-status plant species, the project shall be redesigned to avoid the plant population, including the provision of adequate buffers. If avoidance is deemed infeasible, other mitigation options shall be utilized. These may include, but are not limited to, off-site preservation of existing populations, payment of mitigation credits, seed and soil collection or plant transplant. The project proponent shall submit a mitigation program to the City Planning Division for impacted special-status plant species that has been reviewed and approved the appropriate governmental agencies (e.g., U.S. Fish and Wildlife Service, California Department of Fish and Game). The project proponent shall provide verification to the City Planning Division that the necessary regulatory permits have been obtained (e.g., Federal Endangered Species Act, California Endangered Species Act, Clean Water Act) prior to commencement of development activities. (MM IV-8)</p>			
<p>32. No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of special-status birds such as white-tailed kite, Swainson's hawk, loggerhead shrike, and tricolored blackbird, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code occur on the site.</p>	<p>No Earlier than 45 days and No Later than 20 Days to Grading/Clearing.</p>	<p>Monitoring by qualified biologist reporting to Planning Division and CDFG.</p>	

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<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>These surveys shall include all areas in or within 250 feet of the construction zone. In addition, nesting surveys for Swainson's hawks shall include all areas in or within 0.5 mile of the construction site in order to ascertain the specific long-term mitigation replacement ratios for loss of foraging habitat discussed below under mitigation measure IV-12. If the survey identifies a Swainson's hawk nest within 0.5 mile of the project site or a white-tailed kite nest on the project site, the project proponent shall confer with CDFG to determine whether a buffer zone should be established or whether construction monitoring will be needed to ensure that construction activities do not disturb nesting Swainson's hawks or white-tailed kites. (MM IV-9)</p>			
<p>33. In accordance with CDFG mitigation guidelines for Swainson's hawks, if active Swainson's hawk nests are found within 0.5 mile of the construction site, clearing and construction shall be postponed or halted, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. If a nest tree is found on the project site prior to construction and will be removed, then appropriate permits from CDFG shall be obtained pursuant to CDFG Guidelines. (MM IV-10)</p>	<p>Prior to any Site Disturbance, Issuance of Grading Permit, or Approval of Improvement Plan, Whichever Occurs First and During Construction Activities (Including Clearing and Grading)</p>	<p>Monitoring by qualified biologist reporting to Planning Division and CDFG.</p>	
<p>34. Pursuant to the Migratory Bird Treaty Act and the California Fish and Game Code, if active songbird nests are found within the survey area, clearing and</p>	<p>Prior to any Site Disturbance, Issuance of Grading Permit, or</p>	<p>Monitoring by qualified biologist reporting to Planning Division and</p>	

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<p>construction within a minimum 100 feet, or as determined by a qualified biologist to ensure disturbance to the nest will be minimized shall be postponed or halted. Construction will not resume within the buffer until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The perimeter of the protected area shall be indicated by bright orange temporary fencing. No construction activities or personnel shall enter the protected area, except with approval of the biologist. (MM IV-11)</p>	<p>Approval of Improvement Plan, Whichever Occurs First and During Construction Activities (Including Clearing and Grading)</p>	<p>CDFG.</p>	
<p>35. Prior to any site disturbance, conduct protocol surveys for vernal pool fairy and tadpole shrimp. To determine whether or not vernal pool fairy or tadpole shrimp occur at the site the project proponent shall hire a qualified and permitted biologist to conduct surveys for these species according to U.S. Fish and Wildlife Service survey protocol. If surveys conclude that the species are not present at the project site no further measures are required. As an option to conducting these surveys the project proponent may elect to consider all suitable habitat on site (i.e., vernal pools) as occupied by the species. (MM IV-13)</p>	<p>Prior to any Site Disturbance, Issuance of Grading Permit, or Approval of Improvement Plan, Whichever Occurs First</p>	<p>Monitoring by qualified and permitted biologist reporting to Planning Division/CDFG, and USFWS.</p>	
<p>36. If the species are found to occur at the project site or if the project proponent elects to assume all suitable habitat is occupied by the species, the project proponent shall implement the following prior to any site disturbance: obtain and comply with Section 404</p>	<p>Prior to any Site Disturbance, Issuance of Grading Permit, or Approval of Improvement Plan,</p>	<p>Monitoring by qualified and permitted biologist reporting to Planning Division, CDFG, and USFWS.</p>	

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<p>Clean Water Act permit or incidental take permit (Section 10 of federal Endangered Species Act) requirements regarding both direct and indirect impacts to the species. Mitigating impacts to these species to less-than-significant levels shall, at a minimum, require the following:</p> <ol style="list-style-type: none"> 1. Preservation on- or off-site of suitable occupied habitat at a ratio of 2 acres for every one acre impacted (2:1 preservation ratio); and 2. Creation on- or off-site of suitable potential habitat at a ratio of 1 acre for every one acre impacted (1:1 creation ratio). (MM IV-14) 	<p>Whichever Occurs First</p>		
<p>37. Prior to site disturbance and during construction activities (including clearing, grubbing, grading, and project construction), the project proponent shall undertake the following actions to protect wetlands to be retained:</p> <ul style="list-style-type: none"> • Install temporary (orange mesh) fencing around biological resources to be retained (including wetlands); • Restrict access into wetland habitats such as creeks and other waterways by demarcating and fencing narrow access points within 50 feet of the wetlands. Require the contractor to stay within designated areas. Restrict construction activities in and near wetlands to the dry season (May to October) when water is absent and/or water flows are low; 	<p>Prior to Site Disturbance and During Construction Activities (Including Clearing, Grubbing, Grading, and Project Construction)</p>	<p>Planning Division</p>	

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<ul style="list-style-type: none"> Install erosion control structures (e.g., hay bales, sediment fencing, straw wattles) and sediment control structures (e.g. settling basins) using Best Management Practices as necessary to control erosion and sedimentation (i.e., indirect effects) in wetland habitats to be retained. Require the contractor to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). (MM IV-15) 			
<p>38. Prior to any site disturbance and during construction activities (including clearing, grubbing, grading, and project construction), the project proponent shall implement the following:</p> <ul style="list-style-type: none"> Install protective fencing (example: 6 foot high orange mesh fencing on T-posts) around protected trees to be retained. Minimize work within the dripline of the protected trees to be retained to the fullest extent practicable. A tree dripline is defined by the City of Elk Grove as the area identified by extending a vertical line from the outermost portion of the limb canopy to the ground with its axis parallel to the ground. Actions to be avoided within tree driplines include placing fill materials, storing equipment or materials, parking construction vehicles, paving, watering, grading, or soil compaction. If trenching is required within the protected tree dripline, tunnels should be made below major roots. If tunnels are impractical, and root cutting is required, such cutting should be done 	<p>Prior to Site Disturbance and During Construction Activities (Including Clearing, Grubbing, Grading, and Project Construction)</p>	<p>Planning Division and the Country Tree Coordinator</p>	

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	<p>with handsaws after hand-digging trenches. Cut roots shall be treated with pruning compound to prevent infection and covered with earth as soon as feasible.</p> <ul style="list-style-type: none"> Mitigate for potential impacts to the 37.5-inch diameter valley oak tree consistent with the City Tree Preservation and Protection Ordinance. Mitigation may include constructing a retaining wall outside the dripline of the tree in order to control runoff from collecting within the depressed area and/or the use of aeration tubing to the root system of the tree. (MM IV-17) 			
39.	<p>If any prehistoric or historic artifacts, or other indications of archaeological or cultural resources are found once the project construction is underway, all work in the immediate vicinity must stop and the City shall be immediately notified. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be retained to evaluate the finds and recommend appropriate mitigation measures. (MM V-1)</p>	<p align="center">During Construction Activities</p>	<p align="center">Planning Division</p>	
40.	<p>If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 7050.5 of California's Health and Safety Code. If the remains are Native American, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will</p>	<p align="center">During Construction Activities</p>	<p align="center">Planning Division</p>	

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41. then recommend to the landowner appropriate disposition of the remains and any grave goods. (MM V-2)			
41. Prior to approval of improvement plans, provide water for use during grading and construction before abandoning any existing agricultural wells. (Water Supply)	Prior to Approval of Improvement Plans	Water Supply	
42. Prior to issuance of building permits, destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells on the improvement plans for the project. (Water Supply)	Prior to Issuance of Building Permits	Water Supply	
43. Prior to approval of improvement plans, a supplemental drainage fee, in addition to fees identified in Sacramento County Water Agency Code, shall be paid. The fee shall be equal to the supplemental fee numerated in the Vineyard Spring Comprehensive Plan Financing Plan. (Water Resources)	Prior to Approval of Improvement Plans	Water Resources	
44. Prior to the recordation of the final map, percolation testing for septic system design is required for subdivision (5 lots or more) per Sacramento County Code 6.32.130 – Rules and Regulations Re: Minimum Requirements for the Design and Installation of Individual Sewage Disposal Systems. (Environmental	Prior to the Recordation of the Final Map	Environmental Management Department	

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Management Department)			
45. Prior to the issuance of building permits, construction of the private street shall be a standard or 3 inches of asphaltic concrete over a minimum of 6 inches aggregate base to a 20-foot section width, including adequate turnaround facilities at the end of the road. Secure approval of a civil-engineered site improvement plan from the LDSIR Section of the Public Works Department for construction of the private road. The private road shall be capable of supporting 65,000 GVW. (Public Works and EGCSF Fire)	Prior to the Issuance of Building Permits	Public Works and EGCSF Fire	
46. Prior to approval of improvement plans, a Conditional Letter of Map Revision must be approved by FEMA and petitioned pursuant to the Sacramento County Floodplain Management Ordinance, and the Elk Grove Improvement Standards. (Water Resources)	Prior to Approval of Improvement Plans	Water Resources	
47. Prior to issuance of a building permit, the Elk Grove Community Services District Fire Department requires the following: a. Provide a fire flow from a public water system capable of delivering as a minimum 1,000 gpm at 20 psi residual pressure. b. Space hydrants a maximum of 500 feet apart. Buildings of certain types of construction, size and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this	Prior to the Issuance of Building Permit	EGCSF Fire Department	

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<p>minimum.</p> <p>c. Provide fire flow per Appendix III-A of the 1998 California Fire Code. Fire flow may be provided through several methods, including a public water system, installation of full automatic fire protection sprinkler system, or installation of an approved water storage tank. All of these options must be in compliance with Sacramento County Fire Marshals Association Standard No. 11.</p> <p>d. Comply with the standards of the Elk Grove Community Services District Fire Department and the water purveyor having jurisdiction for the installation of on-site or off-site fire protection equipment, including fire hydrants and water mains.</p> <p>e. Comply with the standards outlined by the Elk Grove Community Services District Fire Department for the installation of addresses and landscaping.</p> <p>f. Obtain a permit release letter from the Elk Grove Community Services District Fire Department. Permits and/or fees are required for the following reviews: civil plans, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.</p> <p>g. Provide at least 10 feet of greenbelt or other defensible space between noncombustible fences and creek/wetland areas.</p>			

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	(EGCSD Fire)			
48.	Prior to issuance of a building permit, all required roadways, water mains, fire hydrants and fire flow shall be provided. The roadways shall be constructed to a 20-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage. (Fire Department)	Prior to the Issuance of Building Permit	EGCSD Fire Department	
49.	Prior to issuance of a building permit, the project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18. (Water Supply)	Prior to the Issuance of Building Permit	Water Supply	
50.	Prior to issuance of a building permit, the project shall conform to the specific provisions of the Sacramento County Landscape Water Conservation Ordinance (Chapter 14.10 of the Sacramento County Code) to the satisfaction of the County Landscape/Oak Tree Coordinator. (Water Supply)	Prior to the Issuance of Building Permit	Water Supply	
51.	Prior to final inspection, provide street lighting as required by the Elk Grove City Code. Street lighting shall conform to all City improvement standards, and necessary easements shall be granted to accommodate those standards. (LDSIR)	Prior to Final Inspection	LDSIR	
52.	Prior to final inspection for those lots adjacent to Lot A, Lot B, or the CCTCRR tracks, if fencing is installed it shall	Prior to Final Inspection	EGCSD Fire	

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<p>be limited to non-combustible, open fencing (i.e. wrought iron, etc.) to all parcels along Laguna Creek Tributary #1, along the detention pond, and along the Central California Traction Company Railroad tracks. (EGCSD Fire)</p>			
<p>53. Prior to the sale of each lot to individual buyers, notification shall be provided regarding the potential use of the Central California Traction Company Railroad as a Transportation Corridor. (Planning Division)</p>	<p>Prior to the Sale of Each Lot to Individual Buyers</p>	<p>Planning Division</p>	

- ¹ 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-01-126, has been established for the project entitled "**Sleepy Hollow Unit 2 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 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.

Exhibit A

