

## **ORDINANCE 42-2003**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING MAP FROM AR-5 TO AR-2 THE SHIRES PROJECT NO. EG-03-418**

The City Council of the City of Elk Grove does ordain as follows:

#### **Section 1: Purpose and Authority**

The purpose of this Ordinance is to amend the Elk Grove Zoning Map as shown on attached Exhibit A.

#### **Section 2: Findings**

##### **CEQA**

Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been 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.

##### **General Plan**

Finding: The City shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:

- (a) There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.
- (b) The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.
- (c) There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.
- (d) The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence:

- (a,b) The proposed Draft General Plan Land Use Map identifies the property as Rural Residential with a 2-acre minimum. The project as proposed is consistent with the land use densities, draft policies and design within the Elk Grove General Plan.
- (c) The project is consistent with existing land use entitlements required for this property by the Elk Grove General Plan. The General Plan has identified the areas east of Bradshaw Road and north of Bond Road for Rural Residential development with a 2 acre minimum lot size. The project is consistent with the General Plan and has been conditioned appropriately.
- (d) The requested Rezone and Tentative Subdivision Map are consistent with state law and local ordinances as discussed by the following findings and evidence.

**Rezone**

Finding: The proposed rezone is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The Planning Commission has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and Draft General Plan Land Use Map. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 127-0070-008 as shown on attached Exhibit A subject to the findings contained in this Ordinance.

Section 4: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.


Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 3<sup>rd</sup> day of December 2003.

  
SOPHIA SCHERMAN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
PEGGY E. JACKSON,  
CITY CLERK

APPROVED AS TO FORM:

  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**Effective Date: January 2, 2004**

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

**ZONING EXHIBIT  
FOR  
THE SHIRES  
A.P.N. 127-0070-008  
CITY OF ELK GROVE  
SACRAMENTO COUNTY CALIFORNIA**

