

ORDINANCE NO. 49-2002

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AG-80 TO RD-5 AND
OPEN SPACE ON ASSESSOR PARCEL NUMBER 132-0020-046 FOR A PROJECT
KNOWN AS BILBY MEADOWS, PROJECT NO. EG-02-274**

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

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the City of Elk Grove Zoning Map to assign a change to the zoning of the parcels specified within the attached exhibit.

Section 2: Findings

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

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

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

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

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

- a) There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.

- b) The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements, which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.

- c) There is little or no possibility of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.
- d) The proposed use or action complies with all other applicable requirements of state law and local ordinance

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

- a) The proposed general plan has acknowledged the East Franklin Specific Plan as a key component of the General Plan and has designated a land use category specifically for the Specific Plan. As such, any project proposed would be consistent with the Specific Plan and thus consistent with the proposed General Plan. The new Plan has not altered the land use designations or categories within the East Franklin Specific Plan and all projects have been reviewed and made consistent with the Specific Plan.
- b) As stated above, the Specific Plan and the latest version of the adopted Draft Land Use Policy Map are consistent with one another. Any changes to the Draft Land Use Policy Plan would cause a change to the Specific Plan in order to maintain consistency. The proposed project is consistent with the policies and guidelines of the East Franklin Specific Plan and conditions of approval have been recommended for the project that are consistent with the draft policies of the Elements of the General Plan.
- c) The Draft General Plan and the Specific Plan are consistent at this time and there is little possibility that the General Plan would change in this area. The new General Plan would designate certain properties for multi-family development to support the Housing Element, however this project is not listed or designated for that land use category in either the General Plan or the Specific Plan.
- d) The proposed project is requesting no amendments to the Specific Plan and is consistent with the policies and development standards as listed in the Plan. The requested rezone of AG-80 to RD-5 and Open Space is consistent with the adopted density ranges in the Land Use Policy Map of the Specific Plan.

Section 3: Action

The City Council hereby amends the Zoning Map of the City of Elk Grove for Assessor's Parcel Number 132-0020-046, as shown on the attached exhibit.

Section 4: No Mandatory Duty of Care.

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

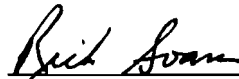
Section 5: Severability

If any such provision of section of this Ordinance is determined to be unenforceable, invalid, or unlawful, such determination shall not affect the enforceability of the remaining provisions of this Ordinance.

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 15TH day of January 2003.



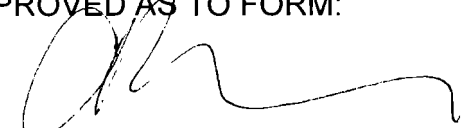
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

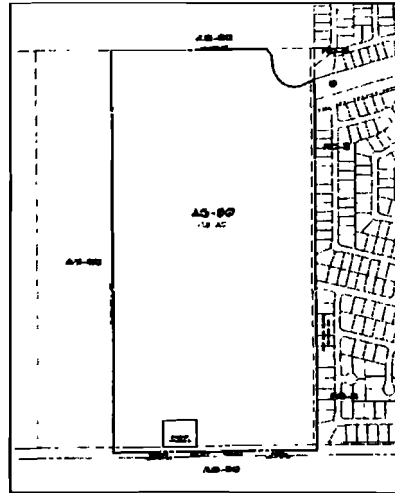
Effective Date: FEBRUARY 14, 2003

**AYES: Soares, Briggs, Cooper
 Scherman, Leary**

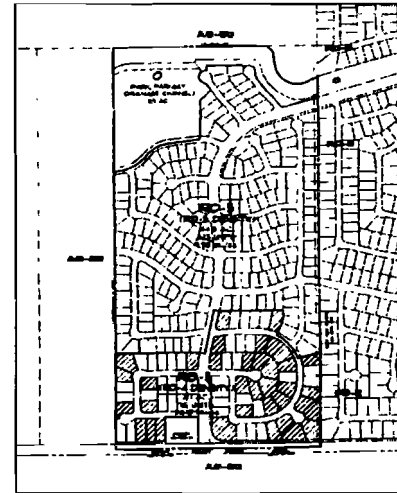
NOES: None

ABSTAIN: None

ABSENT: None



EXISTING ZONING



PROPOSED ZONING

GENERAL NOTES

OWNER / APPLICANT:
 ARLINE HEIN 694 NEVADALE WAY
 8541 RD 651 GROVE BLVD
 ELK GROVE CALIFORNIA 95750

PLANNER:
 CLARK C. HERRING INC
 5700 POLSON BOULEVARD SUITE 200
 SACRAMENTO CA, 95824
 916-438-3999

ENGINEER:
 EDWARD R. GILPIN CONSULTING
 5700 POLSON BOULEVARD SUITE 200
 SACRAMENTO CALIFORNIA 95824
 916-438-3999

EXISTING USE:
 LIMITED AGRICULTURAL / DRAIN

PROPOSED USE:
 SINGLE FAMILY RESIDENTIAL

EXISTING ZONING:
 AG-80

ADDRESS / PARCEL NUMBER:
 8541 RD 651

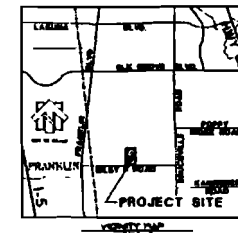
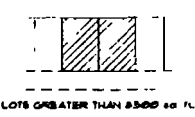
LEGAL DESCRIPTION:
 S 1/4 OF NE 1/4 OF SECTION 17 T 13 N S 10 E R 10 E
 EXCEPTING THEREFROM THE PARCELS AND PARCELS

A. BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 17 SAID POINT BEING ON THE CORNER OF A COUNTY ROAD KNOWN AS BILBY ROAD, FROM WHICH POINT OF BEGINNING THE SOUTHWEST CORNER OF SAID SECTION 17 BEARS NORTH 89 DEGREES 45 MINUTES 40 SECONDS WEST 118.00 FEET TO THE EAST POINT OF BEGINNING ALONG THE SOUTH LINE OF SAID SECTION 17 AND ALONG THE CORNER LINE OF SAID ROAD SOUTH 89 DEGREES 45 MINUTES 40 SECONDS WEST 118.00 FEET TO THE POINT OF BEGINNING; THENCE EAST 118.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 40 SECONDS WEST 118.00 FEET TO THE POINT OF BEGINNING.

B. THE EAST 25.00 FEET

ZONING SUMMARY

	EXISTING ZONING	EXISTING ZONING		PROPOSED ZONING			DIFFERENCE	
		AREA	UNITS	AREA	UNITS	DENSITY	AREA	UNITS
AG-80	AGRICULTURAL USES	11.8					(11.8)	
RD-5	SINGLE FAMILY RESIDENTIAL (4 du/acre)	0.0		21.1	16	3.60 du/acre	21.1	16
RD-5	SINGLE FAMILY RESIDENTIAL (9 du/acre)	0.0		44.8	223	4.98 du/acre	44.8	223
0	NEIGHBORHOOD PARK / DRAINAGE	0.0		11.9			11.9	
		11.8 AC		11.8 AC	299		0.0	299



AMENDED OCTOBER 14, 2002

**REZONE EXHIBIT
 BILBY MEADOWS**

CITY OF ELK GROVE, CA

SEPTEMBER 18, 2002

