

RESOLUTION NO. 2005-334

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP FOR THE FIELDSTONE SOUTH PROJECT NO. EG-04-709, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, East Elk Grove 24, LLC.. (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone and Tentative Subdivision Map (Assessor's Parcel Number 134-0110-019, & 032); 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, the City determined that the Fieldstone South Project was subject to the California Environmental Quality Act and prepared an initial study evaluating the potential environmental effects of the project; and

WHEREAS, the Initial Study identified potentially significant adverse effects in the areas of construction air quality and biological resources; and

WHEREAS, the City has agreed to implement proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation; and

WHEREAS, all project changes required to avoid significant effects on the environment have been incorporated into the project and/or are identified in the Mitigation Monitoring Plan; and

WHEREAS, the City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program would reduce the impacts to a less than significant level and that a Mitigated Negative Declaration should be prepared; and

WHEREAS, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on July 22, 2005 and was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on July 22, 2005 and closed on August 20, 2005. The Mitigated Negative Declaration was made available to the public during this review period; and

WHEREAS, the City did not receive any written comment letters within the 30 day public review period; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on September 29, 2005 and recommended City Council approval of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove approves the Northwest Unit 1 Rezone and Tentative Subdivision Map based on the following findings and the attached conditions of approval included as Exhibit A.

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 entire administrative record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

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 and East Elk Grove Specific 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, East Elk Grove Specific Plan and Zoning Code. 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.

Tentative Subdivision Map

Finding: The Findings (a) through (g) provided in Section 66474 of the California Subdivision Map Act that require a City to deny approval of a tentative map do not apply to this project.


Evidence:

- a. The proposed map is consistent with the density limits as specified in the Elk Grove General Plan and East Elk Grove Specific Plan which are Estate Residential (RD-4).
- b. The design or improvements of the proposed subdivision are consistent with the Elk Grove General Plan.
- c. The site is physically suitable for the development. The applicant is proposing a 100-lot subdivision on 28.7 acres which conforms to the allowable densities in the Zoning Code.
- d. The site is physically suitable for the proposed density of development. The applicant is proposing 100 single family lots on 28.7 acres, which conforms to the allowable densities of the RD-4 zoning.
- e. The Mitigated Negative Declaration prepared for the project determined that potential environmental impacts from the design of the subdivision or the proposed improvements will be less than significant levels with implementation of the proposed project design and conditions of approval.
- f. The Mitigated Negative Declaration prepared for the project determined that potential serious health problems were not identified for the project and will be less than significant levels with implementation of the proposed project design 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 this 26th day of October 2005.


DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

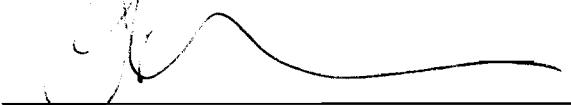

ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A - CONDITIONS OF APPROVAL

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On-Going				
1.	The Applicant or Successors in Interest (hereby referred to as 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	Development Services - Planning	
2.	The development approved by this action is for a Rezone from AR-10 to RD-4 and a Tentative Subdivision Map to create 100 single family lots as illustrated in the project plans. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Development Services - Planning	
3.	This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Development Services - Planning	
4.	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.	Development Services - Planning	
5.	Each lot shall have one driveway. Additional driveways may be approved by Public Works. Covenants, Conditions, and Restrictions shall be recorded over all parcels within the tentative map. The Covenants, Conditions, and Restrictions shall include the number of driveways each parcel is allowed.	On-Going	Public Works	
6.	If there are any discrepancies between the approved	On-Going	Public Works	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
tentative map and the conditions of approval, the conditions of approval shall supersede the approved tentative map.			
7. The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
8. Streets shall be closed to the public until Department of Public Works, Division of Traffic Engineering and the project engineer determine the appropriate traffic control devices to be installed and the devices are installed to the satisfaction of Public Works. Road closure devices shall be in place immediately and maintained in-place at all times upon completion of paving. Road closure may also require alternative accesses to both building and improvements construction traffic. The type of road closure devices shall be determined and approved by Public Works.	On-Going	Public Works	
9. Street (trench) cuts into existing streets require a separate encroachment permit and the payment of street cut fees. Where multiple street cuts into the same street occur, a single, final surface (pavement) trench repair over all the trench cuts is required. Pavement grinding is required for the full length and width of the trenches.	On-Going	Public Works	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
10. The Applicant shall implement Best Management Practices to ensure that long-term water quality is protected. The Best Management Practices shall be designed, constructed and maintained to meet a performance standard established by the City. The City or project applicant shall retain a qualified specialist to monitor the effectiveness of the Best Management Practices selected. Monitoring activities, along with funding for monitoring, shall be established and shall include (but not be limited to) initial setup, yearly maintenance, and yearly monitoring. During project operation, the project shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems.	On-Going	Public Works	
11. The entrance/exit to the subdivision on Grant Line Road shall be restricted to a right-in/right out at the commencement of full width improvements (per circulation element) to Grant Line Road. This restriction may be implemented sooner if it is deemed necessary by Public Works.	On-Going	Public Works	
12. The applicant shall include a disclosure on each residential lot informing all potential buyers of the Right to Farm operations that occur on the AR-10 parcel (APN 134-0110-029) to the south of lots 23-26 and southwest of parcels 17 and 18.	On-Going	Planning	
Prior to Final Map			
13. The Applicant shall dedicate and improve the western half of Grant Line Road 56' from the approved centerline. Improvements will be based on 130' equivalent special thoroughfare and designed and constructed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Approval of Final Map	Public Works	

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Improvements for this section shall be 2 lanes in each direction with a striped median. These improvements shall be coordinated with the City's Grant Line Road Widening Project scheduled for construction in 2006-2007. Upon approval of the applicant and Public Works, a payment in-lieu of construction may be provided to the City for the estimated cost of these required improvements, including all preliminary engineering costs as defined in the City's Capital Improvement Program. The in-lieu payment shall be made prior to the approval of the improvement plans or final map, whichever occurs first.			
14. The Applicant shall dedicate and improve a southbound right turn pocket on Grant Line Road into Cote D'or Drive. The right-turn pocket shall be 11' wide, 300' in length with a 90' bay taper. For total improvements, west half section of 67' from the approved centerline, within the right-turn pocket. The cross-section shall allow for the future four southbound travel lanes, half median, curb and gutter, and an 11' wide right-turn lane that is 300' in length with a 90' bay taper. Improvement will be based on 130' equivalent special thoroughfare in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Approval of Final Map	Public Works	
15. The Applicant shall dedicate and improve Pressac Drive based on 50' modified collector in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. A minimum of 34' of pavement must be constructed excluding gutter pan. The 4' sidewalk will be separated from the street with 6' of landscaping. The back of sidewalk to back of sidewalk dimension will be 62'. All streets improvement will be constructed prior to building permit.	Prior to Approval of Final Map	Public Works	
16. The Applicant shall dedicate in fee 36' landscape corridor	Prior to Approval of	Public Works	

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along Grant Line Road to the City of Elk Grove to the satisfaction of Public Works. At the beginning of the taper for the right turn pocket the landscaping may transition from 36' to 30'. South of the Cote D'or Drive/Grant Line Road intersection the landscape corridor shall be 36'.	Final Map		
17. The Applicant shall dedicate and improve all internal streets as shown in the tentative subdivision map, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. All street improvements shall be constructed prior to the 1 st building permit.	Prior to Approval of Final Map	Public Works	
18. All improvements shall be designed in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.	Prior to Approval of Final Map	Public Works	
19. The Applicant shall dedicate a 12.5 foot public utility easement for underground and appurtenances adjacent to all public and private streets, excepting the north side of "A" Way, adjacent to Elk Grove Creek.	Prior to Approval of Final Map	Public Works	
20. Improvement plans must be approved by Public Works prior to City Council approval of Final Map.	Prior to Approval of Final Map	Public Works	
21. For all single family corner lots an access restriction shall be placed on the property from the driveway around the corner to the property line of the side yard.	Prior to Approval of Final Map	Public Works	
22. The subdivider shall participate in the design and construction of the proposed Elk Grove Creek improvements along the property frontage, including necessary transitions, plus any required expansion of the Hudson Ranch detention basin. Obligation for this required improvement may be met through posting of the payment of the cost of these improvements with the City in-lieu of construction of the improvements or through providing the City cost sharing agreements with the other property owners and/or developers and posting of acceptable security	Prior to Approval of Final Map	Public Works	

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<p>guaranteeing the improvements will be made.</p> <p>This condition can also be satisfied upon completion of all of the following:</p> <ol style="list-style-type: none"> 1. Upon submission and concurrence by the City of a letter acknowledging acceptance of this project's obligations toward improvements of Elk Grove Creek by the property owner immediately north of this project (currently owned by applicant). 2. The applicant shall also provide an irrevocable offer of dedication (IOD) of the proposed creek property adjacent to this project's northern property line to the City of Elk Grove. The letter shall be recorded as an attachment to the IOD. <p>The method of meeting this requirement as defined above is at the discretion of the applicant.</p>			
<p>23. No Final Map shall be recorded on lots in Phase 2 as depicted on the tentative map, until information is provided to the satisfaction of the Public Works Director, demonstrating that this portion of the project can be constructed without restricting or adversely impacting drainage improvements to Elk Grove Creek as intended in the East Elk Grove Specific Plan.</p>	<p>Prior to Approval of Final Map</p>	<p>Public Works</p>	
<p>24. The Applicant shall contribute a payment in-lieu of construction for the project's fair share (25%) to the design and construction of the bridge over Elk Grove Creek and Wyland Drive/Pressac Drive, based upon an estimate to the satisfaction of Public Works.</p>	<p>Prior to Approval of Final Map</p>	<p>Public Works</p>	
<p>25. The project Applicant shall consult with the City when the project affects any water stream(s). The Applicant shall submit the proposed improvement designs and a drainage study to the City for review prior to the approval of the final</p>	<p>Prior to Approval of Final Map</p>	<p>Public Works, and Planning</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>map. The study shall include improvements to receiving water body(s) to mitigate the impacts of increased runoff from the project and any change in runoff including quality, quantity, and stream conveyance capacity short and long term, and building pad elevations. There shall be no net loss of storage for any fill placed within the 100-year floodplain with in-kind replacement, or other mitigation as deemed appropriate in the drainage study. Elk Grove Creek and the project is not a part of a financing plan. Due to the current Elk Grove Creek hydraulic constraints resulting from the absence of a Corps of Engineers (COE) permit that would permit improving Elk Grove Creek, it will be necessary to demonstrate by calculations that the 10-year flows from the Fieldstone South development can be accommodated the existing underground pipe system located in Sonoma Creeks 1, 2 and 3.</p>			
<p>26. The Applicant shall provide drainage easements (prior to recordation of final map) and install facilities (prior to the issuance of building permits) pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code and City of Elk Grove Improvement Standards, including any fee required by the City of Elk Grove. The pertinent provisions of the above-referenced codes, standards, fees, and ordinances shall be applicable at the time of site improvement plan approval.</p>	<p>Prior to Recordation of Final Map and Prior to the Issuance of Building Permits</p>	<p>Public Works</p>	
<p>27. Sewer easements will be required. All sewer easements shall be dedicated to CSD-1 in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance.</p>	<p>Prior to Final Map Approval</p>	<p>CSD-1</p>	
<p>28. The Applicant shall provide separate public water service to each parcel and dedicate maintenance easements in all public and private streets over all water lines to the</p>	<p>Prior to Final Map Approval</p>	<p>SCWA</p>	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	satisfaction of Sacramento County Water Agency prior to Final Map approval.			
29.	CSD-1 shall require an approved sewer study prior to the approval of the Final Map or submittal of improvement plans for plan check to CSD-1, which ever comes first. The sewer study shall demonstrate capacity in the serving trunk facilities or provide capacity by construction of sewer infrastructure. This requirement will be omitted if the project does not connect prior to the completion of the Laguna Extension Interceptor	Prior to Recordation of the Final Map or Approval of Improvement Plans	CSD-1	
30.	The Applicant shall reserve a minimum 100ft x 100ft water well site located on or adjacent to lot numbers 95 & 96 and necessary easements to the satisfaction of the Sacramento County Water Agency (SCWA). Acceptance and approval of the site shall be subject to meeting Department of Health Services (DHS) setback requirements and obtaining acceptable results from hydrogeologic evaluations (exploratory drilling). If these conditions cannot be satisfied, then an alternate site on the Fieldstone South Subdivision shall be selected by SCWA and similarly evaluated. Prior to final map approval or signing of improvement plans whichever occurs first, the Applicant 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.	Prior to Recordation of the Final Map or Approval of Improvement Plans	SCWA	
31.	The Applicant shall locate, identify on maps and isolate any water wells, and locate and identify any septic system that may be located on the parcel. Any wells and septic	Prior to Final Map Approval	Community Enhancement & Code	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
systems under permits from Sacramento County Environmental Health shall be properly destroyed.		Compliance	
32. Prior to final map approval, the project area shall annex into a Mello-Roos Community Facilities District (CFD) to fund a portion of the additional costs for police service related to serving the new development. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax	Prior to Final Map Approval	Finance	
33. Prior to the final map, the project area shall annex into Street Maintenance Assessment District No. 1 to fund a portion of the additional costs for long-term roadway maintenance related to serving the new development. The application fee for the annexation is due prior to the Resolution of Intention to Levy Street Maintenance Assessments	Prior to Final Map Approval	Finance	
34. Prior to the final map, the project area shall form or annex into a Mello-Roos CFD, assessment district, other financing district, or will provide some other funding mechanism, which is acceptable to the Finance Director of the City to fund the project's fair share of landscape maintenance costs which may include, but not be limited to, roadway corridors, interchanges, medians, drainage corridors, trails, open space, and parks, and maintenance costs of other community facilities.	Prior to Final Map Approval	Finance	
Prior to Construction Activities /Improvement Plans			
35. The Applicant shall record the Mitigation Monitoring and Reporting Program for the project. Prior to the issuance of any grading permits, comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with the project. Until the MMRP has been recorded and the estimated MMRP fee of \$5000.00 has been paid, no grading, building, sewer connection, water	Prior to Issuance of a Grading Permit/Improvement Plans	Planning	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	connection, or occupancy permit from the City will be approved.			
36.	Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from the SMAQMD prior to operation. The Applicant of a project that includes an emergency generator, boiler or heater should contact the District early to determine if a permit is required and to begin the permit application process. Portable construction equipment that has an internal combustion engine with a horsepower rating greater than 50 are required to have a District permit or a California Air Resources Board portable equipment registration. Other general types of uses that require a District permit are operations that generate airborne particulate emissions.	Prior to approval of Improvement Plan or Grading Permit	Planning & SMAQMD	
37.	<p>Category 1: Reducing NOx emissions from off-road diesel powered equipment. The project shall provide a plan from approval by the City of Elk Grove and SMAQMD demonstrating that the heavy duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet average; and</p> <p>The project representative shall submit to the City of Elk Grove and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated</p>	Prior to approval of Improvement Plan or Grading Permit	Planning & SMAQMD	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.</p> <p>And: Category 2: Controlling visible emissions from off-road diesel powered equipment. The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity shall be repaired immediately, and the City of Elk Grove and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.</p>			
<p>38. The project Applicant shall retain a qualified biologist approved by the City of Elk Grove to conduct a preconstruction survey no more than 30 days prior to</p>	<p>Prior to the issuance of permits, during construction activities, and post-construction.</p>	<p>Planning & CDFG</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>ground disturbing activity (and following any break in site activity longer than two weeks in duration) to determine the presence of any Western Spadefoot species. Should no Western Spadefoot species be found onsite, a report should be prepared (as outlined below) and submitted to the City of Elk Grove. No further mitigation would be necessary. Should Western Spadefoot be found onsite during the preconstruction survey or any time during construction activities then the biologist shall prepare a mitigation plan. Mitigation for wetland impacts may satisfy this mitigation measure.</p> <p>Furthermore, the biologist shall prepare a written report to be submitted to the City of Elk Grove that includes a habitat assessment of the project site, survey methods and results, and maps as well as photographs of the area showing locations.</p>			
<p>39. The project Applicant shall retain a qualified biologist approved by the City of Elk Grove to conduct a preconstruction burrow survey no more than 30 days prior to ground disturbing activity (and following any break in site activity longer than two weeks in duration) following procedures outlined in <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> prepared by the California Burrowing Owl Consortium in April 1993. Should no owls be found onsite, a report should be prepared (as outlined below) and submitted to the City of Elk Grove. No further mitigation would be necessary. Should owls be found onsite during the preconstruction survey or any time during construction activities the following measures (as recommended in the guidelines) shall be implemented as soon as possible:</p>	<p>Prior to the issuance of permits, during construction activities, and post-construction.</p>	<p>Planning & CDFG</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>An avoidance area shall be established around the occupied burrow, such that no disturbance (or ingress) into the buffer area shall be allowed. If construction occurs between September 1st and January 31st (the non-breeding season), the avoidance area shall be at least 50 meters surrounding the burrow. If construction occurs between February 1st and August 31st (the breeding season), the avoidance buffer shall be at least 75 meters surrounding the burrow;</p> <p>During the breeding season (February 1st through August 31st), occupied burrows shall not be disturbed unless the DFG verifies that the birds have not begun egg-laying and incubation or that the juveniles from those burrows are foraging independently and capable of independent survival;</p> <p>If destruction of occupied burrows is unavoidable, replacement burrows shall be installed at a minimum ratio of one burrow replaced for every burrow lost (1:1). Replacement shall occur in an area with a minimum of 100 meter radius of foraging habitat surrounding the new burrow that shall be retained in a long-term conservation easement;</p> <p>If owls are threatened and must be relocated from a construction site, passive relocation shall be attempted (if appropriate) before trapping. Passive relocation is defined (in the owl guidelines) as encouraging owls to move from an occupied burrow to an alternate natural or artificial burrow located beyond 50 meters from the zone of impact. Trapping shall only be attempted during the nonbreeding season by a qualified biologist approved by the DFG;</p> <p>DFG shall be consulted regarding the adequacy of</p>			

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<p>onsite avoidance measures and mitigation. The project applicant shall implement DFG recommendations to the extent possible.</p> <p>Furthermore, the biologist shall prepare a written report to be submitted to the City of Elk Grove that includes a habitat assessment of the project site, burrow survey methods and results, behavior of owls noted onsite (if applicable), and maps as well as photographs of the area showing habitat and burrow locations.</p>			
<p>40. Unless proposed construction activities are planned to occur outside the nesting seasons for local avian species, the project Applicant shall retain a qualified biologist approved by the City to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity of the construction area no more than 30 days prior to ground disturbance. If active nests are located during pre-construction surveys, USFWS and/or DFG shall be notified regarding the status of the nests. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nests until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment) around the nest or alteration of the construction schedule. No action is necessary if construction will occur during the nonbreeding season (generally October 1st through January 31st).</p>	<p>Prior to the issuance of permits, during construction activities, and post-construction.</p>	<p>Planning, USFWS & CDFG</p>	
<p>41. In order to mitigate for the loss of Swainson's hawk foraging habitat, the Applicant shall implement one of the following City of Elk Grove's approved mitigation alternatives. Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site</p>	<p>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading,</p>	<p>Planning</p>	

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<p>improvements, whichever occurs first, the project applicant shall:</p> <ul style="list-style-type: none"> • Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect, OR <p>Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove in the amount 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.</p>	<p>building, or other site improvements, whichever occurs first.</p>		
<p>42. The project applicant shall retain a qualified biologist approved by the City of Elk Grove to conduct a preconstruction survey for special status plant species, including but not limited to Ahart's dwarf rush, Bogg's Lake hedge-hyssop, dwarf downingia, and legenera. The survey shall be conducted when these plant species would be in season and must be conducted prior to any site disturbance. If no special-status plant species are located during the preconstruction survey, no further mitigation is necessary. If sensitive plant species are found during the survey, measures shall be implemented including but not limited to:</p> <p>Establishing an avoidance area (no ingress of workers or equipment) of a minimum of 10 feet around the plant</p>	<p>Prior to the issuance of permits, during construction activities, and post-construction.</p>	<p>Planning, USFWS & CDFG</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>population that shall be clearly marked with fencing and signage if appropriate;</p> <p>Ensure the hydrology of the area shall remain consistent during construction and following project completion to reduce potential stress to the plant population;</p> <p>If the plants cannot be avoided, the project applicant shall retain a qualified biologist approved by the City of Elk Grove to relocate the population under the direction of USFWS and/or DFG to a similar area (approved by the agencies) that shall be retained in a long-term conservation easement;</p> <p>USFWS and/or DFG shall be notified regarding the location and status of the plant population.</p> <p>USFWS and/or DFG recommendations regarding appropriate avoidance or disturbance mitigation measures shall be incorporated into the project to the extent possible.</p>			
<p>43. Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs a Tree Replacement Plan shall be prepared by a certified arborist or landscape architect to mitigate for the loss of native trees 6-inch dbh or larger and all non-native trees larger than 19-inch dbh or larger that are proposed for removal or that would be adversely affected by the project. The applicant shall not be responsible for the mitigation of Eucalyptus trees. The Plan shall comply with the City code and General Plan polices and be submitted to the City for review and approval. The current policies require that every trunk diameter lost shall be mitigated by an inch planted or funds placed in the tree mitigation fund.</p>	<p>Prior to the issuance of permits, during construction activities, and post-construction.</p>	<p>Planning</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>Mitigation funds for one-inch of native/ornamental tree removed shall be \$200.00 per trunk diameter. Mitigation can occur on site or off site. The Plan shall include the following elements: Species, size and locations of all replacement trees plantings. Replacement trees shall not be planted in lawn areas or in front yards of residential lots; Method of irrigation, a 3 year monitoring program and a 3 year maintenance program and name contractor to maintain replacement trees.</p> <p>The City of Elk Grove Standard Tree Planting Detail L-1, including the 10-foot depth boring hole to provide for adequate drainage.</p> <p>The applicant is not responsible to mitigate for the loss of any trees due to the Grant Line Road widening project.</p>			
<p>44. The Applicant 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> <p>a. Preserve and protect the existing 0.095 acres of wetlands.</p> <p><u>OR</u>, if any wetlands are to be disturbed:</p> <p>b. Prior to any disturbance of on-site wetlands, submit a Wetland Habitat Mitigation Plan for 0.095 acres of identified wetland to the City of Elk Grove 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</p>	<p>Prior to approval of Improvement Plan or Grading Permit</p>	<p>Planning</p>	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>detailed description of how the created wetlands will be monitored and managed to ensure the success of the mitigation effort, <u>OR</u></p> <p>c. Prior to any disturbance of on-site wetlands, purchase credits at an approved wetland mitigation bank. Documentation of such purchase shall be submitted to City of Elk Grove Development Services – Planning for review and approval.</p> <p>Note: This mitigation measure maybe satisfied in conjunction with the requirements of a United States Army Corps of Engineers 404 permit, if one is necessary.</p>			
45.	<p>The Applicant shall conduct a focused survey for vernal pool fairy shrimp and vernal pool tadpole shrimp at the time of year when the species are both evident and identifiable, by a qualified biologist for the portions of the project site supporting wetland habitat. If either species is present on the site, a mitigation plan shall be prepared in consultation with U.S. Fish and Wildlife Service and any necessary permits or approvals shall be received prior to disturbance of the site. A copy of any/all required permits and verification of any required actions shall be submitted to the City.</p>	<p>Prior to approval of Improvement Plan or Grading Permit</p>	<p>Planning & USFWS</p>	
46.	<p>Vertical curbs shall be designed and constructed adjacent to all planter strips.</p>	<p>Prior to Approval of Improvement Plan</p>	<p>Public Works</p>	
47.	<p>If the project is to be phased, the Applicant shall submit a phasing plan for Public Works review and approval, prior to the 1st improvement plan submittal.</p>	<p>Prior to 1st Improvement Plans Submittal</p>	<p>Public Works</p>	
48.	<p>This site is located south of Elk Grove Creek, a major drainage facility in the City of Elk Grove. The Applicant shall prepare and submit a comprehensive drainage study that addresses handling all flows generated by the project</p>	<p>1st Improvement Plans Submittal</p>	<p>Public Works</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
including but not limited to, defining the watershed boundary, defining the local controlling 100-year water level, method of flow conveyance with adequate supporting calculations, and detailed hydrologic and hydraulic analysis.			
49. Provide a temporary turnaround at the end of Pressac Drive, as needed.	Prior to approval of Improvement Plans	Public Works	
50. Provide a temporary turnaround at the end of 'A' Way if construction is phased, as needed.	Prior to approval of Improvement Plans	Public Works	
51. Provide a temporary turnaround at the end of 'D' Way, as needed.	Prior to approval of Improvement Plans	Public Works	
52. All drainage system shall be designed to accommodate runoff from the ultimate development according to the City's storm water Design Standards, and City's Flood Plain Management Ordinance. No adverse or adjacent storm drain system may occur due to this development.	Prior to approval of Improvement Plans	Public Works	
53. The Applicant shall comply with all NPDES Permit and City's Stormwater Ordinance requirement before, during, and after construction as require by the Permit and the Ordinance and in accordance with the latest version of the Guidance Manual of On-site Stormwater Quality Control Measure.	Prior to Grading Permit issuance and/or deemed necessary by Public Works	Public Works	
54. The Applicant shall comply with all NPDES Permit and City's Stormwater Ordinance requirement before, during, and after construction as require by the Permit and the Ordinance and in accordance with the latest version of the Guidance Manual of On-site Stormwater Quality Control Measure.	Prior to the Issuance of any permits for grading, building or any other site improvements.	Public Works	
55. The Applicant shall obtain applicable State Fish and Game, U.S. Army Corps of Engineers, and State Water Board permits prior to issuance of grading permits.	Prior to the Issuance of any permits for grading, building or any other site	Public Works	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
		improvements.		
56.	The Applicant shall submit for the City's review the language and provisions of any required conservation easement(s), if any, as specified by other entities, if any, including providing maintenance access in accordance with the Improvement Standards and shall establish a perpetual endowment fund to provide for the conservation easement provisions and requirements.	Prior to Issuance of Grading Permits	Public Works	
57.	In order to mitigate erosion and sediment control problems on the project site, the project shall comply with the City's Land Grading and Erosion Control Ordinance. If the project size is more than one acre, a Notice of Intent (NOI) must be filed prior to construction to obtain coverage under the State's General Construction Activity Storm Water Permit.	Prior to Issuance of Grading Permits	Public Works	
58.	Prior to the issuance of grading permits, the project applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall address spill prevention and include counter measure plan describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City's Improvement Standards and Land Grading and Erosion Control Ordinance and may include but not necessary limited to: (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain	Prior to issuance of Grading Permits.	Public Works	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into any receiving water body; and (6) any other suitable measures. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board and to the City for review. A copy of the SWPPP must be kept accessible on the project site at all times.			
59. Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from the SMAQMD prior to operation. The applicant, developer or operator of a project that includes an emergency generator, boiler or heater should contact the District early to determine if a permit is required and to begin the permit application process. Portable construction equipment that has an internal combustion engine with a horsepower rating greater than 50 are required to have a District permit or a California Air Resources Board portable equipment registration. Other general types of uses that require a District permit are operations that generate airborne particulate emissions.	Prior to Issuance of Grading/Improvement Plans	Planning	
60. The Applicant shall connection to the District's sewer system to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.	Prior to Issuance of the Improvement Plans	CSD-1	
61. 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. Prior to abandoning any existing agricultural wells, the Applicant shall use water from agricultural wells for grading and construction.	Prior to Issuance of Improvement Plans	SCWA	
62. Provide metered connections on transmission mains to the satisfaction of the Sacramento County Water Agency	Prior to Issuance of Improvement Plans	SCWA	

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
Prior to Issuance of Building Permits				
63.	The Final Map shall be completed, approved and recorded prior to 1 st building permit.	Prior to issuance of 1 st Building Permit	Public Works	
64.	At all street intersections, public or private, within one block of the proposed project, applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details.	Prior to issuance of 1 st Building Permit	Public Works	
65.	Landscaping shall be installed prior to the issuance of the first building permit within the subdivision. If weather prevents the installation at the time of first building permit, up to 25% of the building permits may be issued at staff discretion upon demonstration of a fully executed landscape contract for the work. Additionally, should the timing and construction of the City's Grant Line Widening Project delay or limit the ability to construct the landscape improvements, building permits may be issued upon mutual agreement of a revised schedule of improvements and posting of a satisfactory form of security.	Prior to issuance of 1 st Building Permit	Public Works	
66.	All improvements shall be constructed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to 1 st Building Permit	Public Works	
67.	Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.	Prior to Finalization of Building Permit	CSD-1	
68.	Prior to the issuance of any building permits, the applicant shall construct a noise barrier as specified below which are required to meet the thresholds for acceptable noise levels prior to residential occupancy. A combination of berm and wall is required. Construct an 11-foot high noise barrier at the rear property lines of lots 1-17 to reduce the traffic noise impacts of Grant Line Road. The applicant may chose to conduct a	Prior to Issuance of Building Permit	Planning & Building	

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	separate noise analysis to determine if a lower wall height is acceptable. The scope for any such noise analysis shall be prepared by the Planning Department.			
69.	The Applicant shall pay all applicable City of Elk Grove administered development impact fees prior to building permit issuance	Prior to Building Permit Issuance	Finance	
Prior to Certificate of Occupancy				
70.	The Applicant shall submit Flood Elevation Certification for each structure or appropriate documents as determined by Public Works.	Prior to Occupancy	Public Works	
71.	Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Occupancy	Public Works	
72.	All driveways shall require an encroachment permit. At that time the curb, gutter, sidewalk and all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.	Prior to issuance of Encroachment Permit	Public Works	

Compliance Items for Building Permit

1. 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.
2. Dead-end streets in excess of 150 feet require emergency vehicle turn-a-rounds.
3. Wholesale water supply will be provided by the Sacramento County Water Agency.
4. All required roadways, street signs, addresses, water mains, fire hydrants, and fire flows shall be provided prior to the existence of any combustible construction or storage. The slope of access roadways shall not exceed 10% for asphalt and 15% for concrete. The roadways shall be constructed to a 20-foot minimum width with a minimum of three (3) inches AC over six (6) inches AB with good drainage.
5. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Elk Grove Fire Department and the water purveyor having jurisdiction.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-334

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

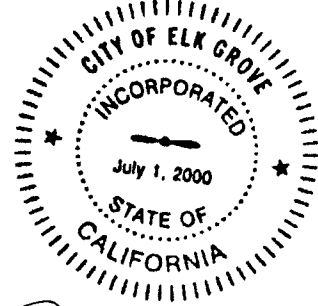
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 26th day of October, 2005 by the following vote:

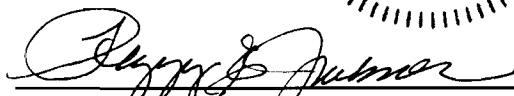
AYES 5: COUNCILMEMBERS: Soares, Scherman, Cooper, Leary, Briggs

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





Peggy E. Jackson, City Clerk
City of Elk Grove, California