

**COUNTY OF SACRAMENTO  
INTER-OFFICE CORRESPONDENCE**

March 14, 2011

TO: PLANNING AND COMMUNITY DEVELOPMENT

FROM: CYNDI LEE, Clerk  
*Board of Supervisors*

SUBJECT: **04-RZB-PMR-ABE-0139 - (VINEYARD / BOSCHEE)  
REZONE, TENTATIVE PARCEL MAP AND ABANDONMENT  
TAYLOR/VILLAGE-SACRAMENTO INVESTMENTS - Engineer: TSD  
Engineering, Incorporated - Engineer: Edward Gillum - located at northeast corner  
of Elk Grove-Florin Road and Gerber Road (8915 Gerber Road), in the Vineyard  
community.**

The Board of Supervisors, meeting in regular session on February 23, 2011, took the following actions on the above-referenced matter:

**REZONE**

Approved a Rezone by Ordinance No. **SZC-2011-0001** of approximately 18.4 acres from AR-10 (Agricultural-Residential) and AR-10(F) (Agricultural-Residential Flood Combining) to SC (Shopping Center), subject to the findings and conditions as outlined in Addendum No. 2.

**TENTATIVE PARCEL MAP**

Approved a Tentative Parcel Map to divide an approximately 18.4 gross acre parcel into five (5) parcels: Parcel 1 at approximately 12.52 gross acres, Parcel 2 at approximately 1.78 gross acres, Parcel 3 at approximately 1.20 gross acres, Parcel 4 at approximately .82 gross acres, and Parcel 5 at approximately .13 gross acres, subject to the findings and conditions as outlined in Addendum No. 2.

**ABANDONMENT**

Approved an Abandonment of excess right-of-way along Elk Grove Florin Road and Gerber Road.

The Board adopted the Mitigation Monitoring and Reporting Program. The complete file and copies of all documents are attached.

CL:am

Attachment: Ordinance No. SZC-2011-0001  
Tentative Parcel Map conditions

cc: In house

**ORDINANCE NO. SZC-2011-0001**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF SACRAMENTO COUNTY AMENDING THE  
ZONING CODE OF SACRAMENTO COUNTY,  
ORDINANCE NO. 83-10, AS AMENDED,  
CHANGING THE LAND USE ZONE OF CERTAIN PROPERTY KNOWN AS  
ASSESSOR'S PARCEL NO. 065-0080-101**

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1: Section 101-124 of the Zoning Code of Sacramento County, Ordinance No. SZC 83-10, as amended, which incorporates Comprehensive Zoning Plan Unit No. 292/176, is amended to change the land use zone of the property described in Exhibit "A", which is attached hereto and incorporated herein as though set forth in full ("Subject Property"), and which is also commonly referred to and known as Assessor Parcel No. 065-0080-101 from the AR-10 and AR-10(F) to the SC for approximately 18.4 gross acres, as depicted on Exhibit "B".

SECTION 2: The change in the Land Use Zone for the Subject Property provided for in Section 1 hereof shall be subject to, and conditioned upon, compliance with all the conditions set forth in Exhibit "C", which is attached hereto and incorporated herein as though set forth in full.

SECTION 3: The conditions set forth in Exhibit "C" and incorporated herein shall run with the land and shall be directly enforceable by the County against the owner(s), successors and assigns of the Subject Property.

SECTION 4: The Board of Supervisors finds in connection with its adoption of this ordinance, and the imposition of the conditions enumerated in Exhibit "C" hereof and incorporated herein, that the owner of the Subject Property has consented to the imposition of the

conditions enumerated in Exhibit "C" hereof. This consent is memorialized in Exhibit "D" which is attached hereto and incorporated herein as though set forth in full.

SECTION 5: This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published within the County of Sacramento, State of California.

On a motion by Supervisor Peters, seconded by Supervisor Nottoli, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 23rd day of February, 2011, by the following vote, to wit:

AYES: Supervisors, Nottoli, Peters, Serna, Yee, MacGlashan  
NOES: Supervisors, None  
ABSENT: Supervisors, None  
ABSTAIN: Supervisors, None



*Roberta MacGlashan*

CHAIRPERSON, Board Of Supervisors  
County of Sacramento, California

*Cyndi Lee*

In accordance with Section 26200 of the Government Code of the State of California a copy of this document has been delivered to the Chairman of the Board of Supervisors, County of Sacramento on

FEB 23 2011

By *Raymond Mungli*  
Deputy Clerk, Board of Supervisors

FILED

FEB 23 2011

BOARD OF SUPERVISORS  
BY *Cyndi Lee*  
CLERK OF THE BOARD

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

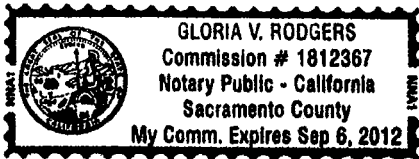
State of California

County of Sacramento

On March 15, 2011 before me, Gloria V. Rodgers, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Cyndi Lee  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Gloria V. Rodgers  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

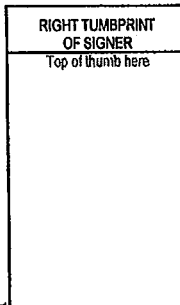
**Capacity (ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer - Title(s): \_\_\_\_\_
- Partner -  Limited  General
- Attorney in Fact
- Trustee
- Guardian

Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

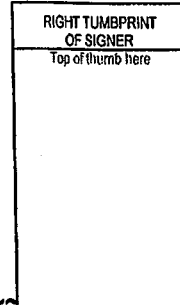


Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer - Title(s): \_\_\_\_\_
- Partner -  Limited  General
- Attorney in Fact
- Trustee
- Guardian

Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**PLEASE INSERT OFFICAL VERSION HERE**  
**(WITH SURVEYOR SIGNATURE AND STAMP)**

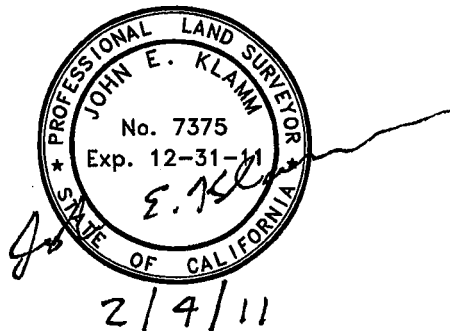
**LEGAL DESCRIPTION**

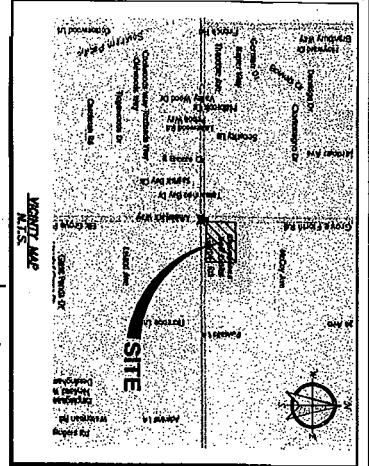
ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF SACRAMENTO,  
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 7  
NORTH, RANGE 5 EAST, M.D.M., BEING LOCATED AT THE CENTERLINE  
INTERSECTION OF ELK GROVE FLORIN ROAD AND GERBER ROAD AND  
BEING A 2 1/2" BRASS DISC STAMPED: "SAC. CO. DEPART. OF PUBLIC  
WORKS T7N, R5E, S1,S6,S12 AND S7 1997"; THENCE FROM THE POINT OF  
BEGINNING ALONG THE WEST LINE OF SECTION 6 NORTH 00°56'02"  
WEST, 714.57 FEET TO A POINT; THENCE NORTH 89°12'24" EAST, 1122.03  
FEET; THENCE SOUTH 00°47'36" EAST, 717.85 FEET TO A POINT ON THE  
SOUTH LINE OF SECTION 6: THENCE ALONG THE SOUTH LINE OF  
SECTION 6, SOUTH 89°22'27" WEST, 1120.28 FEET TO THE POINT OF  
BEGINNING.

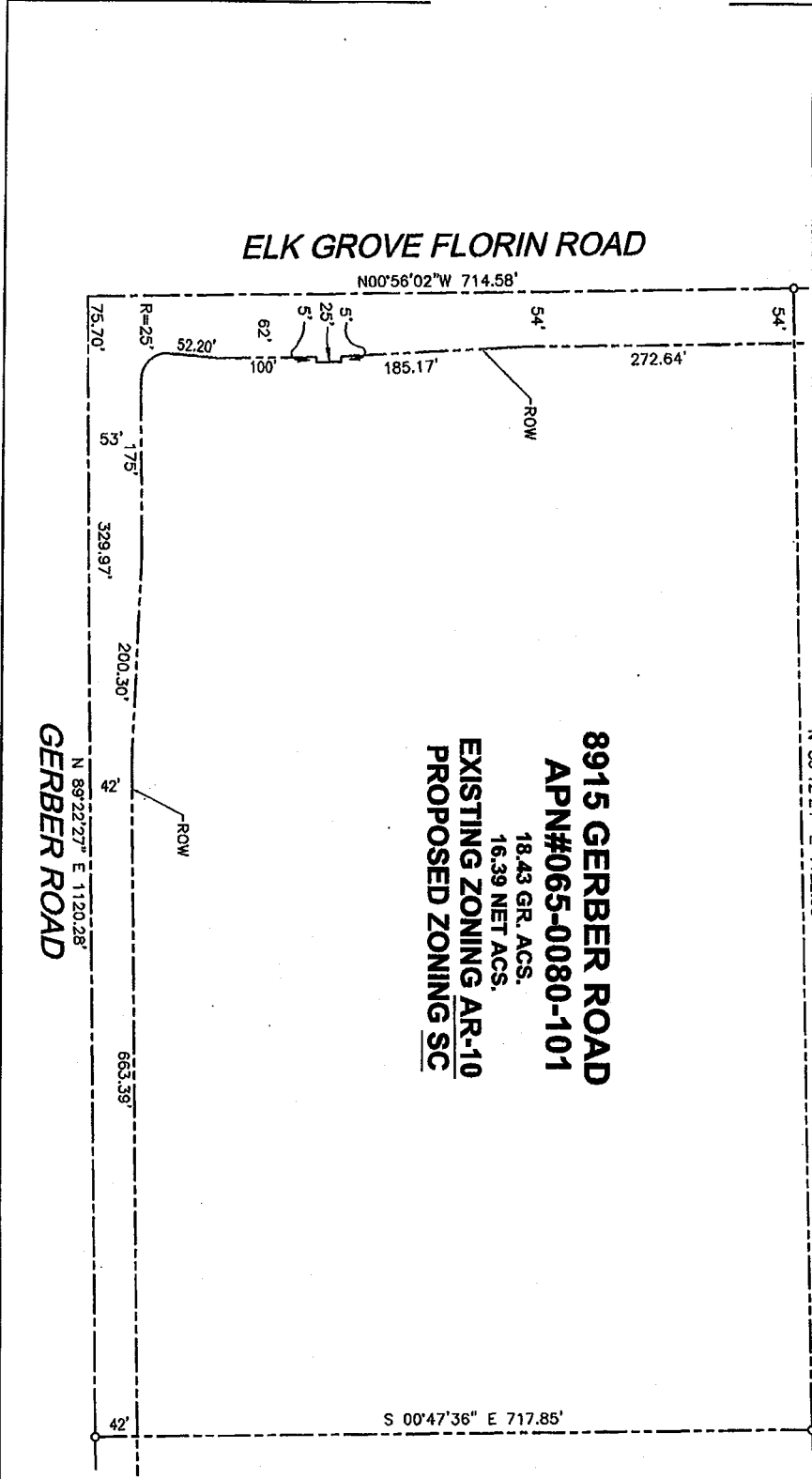
CONTAINING 18.43 GROSS ACRES MORE OR LESS.

THIS LEGAL DESCRIPTION IS BASED UPON LOT LINE ADJUSTMENT  
RESOLUTION NO. 06-BLS-0107 RECORDED MAY 2, 2006 IN BOOK 20060502  
PAGE 2358, OFFICIAL RECORDS OF SACRAMENTO COUNTY.



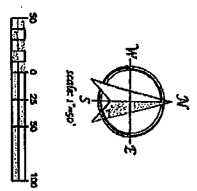


**REZONE EXHIBIT**  
**GERBER - ELK GROVE FLORIN - NEC**  
**CHAMPIONS GOLF COURSE**  
 SACRAMENTO COUNTY, CALIFORNIA  
 TAYLOR PROPERTIES



**8915 GERBER ROAD**  
**APN#065-0080-101**  
 18.43 GR. ACS.  
 16.39 NET ACS.  
**EXISTING ZONING AR-10**  
**PROPOSED ZONING SC**

**GERBER ROAD**



**OWNER**  
 ELK GROVE FLORIN CENTER, LLC  
 1700 ELK GROVE FLORIN ROAD, #200  
 SACRAMENTO, CA 95833  
 PHONE: 916-425-8222  
 FAX: 916-425-8223

**APPLICANT**  
 TAYLOR PROPERTIES  
 1700 ELK GROVE FLORIN ROAD, SUITE 470  
 SACRAMENTO, CA 95833  
 PHONE: 916-425-8222  
 FAX: 916-425-8223

**TSD Engineering, Inc.**  
 Total Site Design  
 31 Hudson Street, Suite 4150  
 Folsom, CA 95630  
 TEL: 916-688-1107 FAX: 916-688-0781

MARCH 6, 2007

## EXHIBIT C

Ordinance No. \_\_\_\_\_

1. Zoning shall be in accordance with Exhibit "B", which is the same as Exhibit "1" approved by the Board of Supervisors.
2. Comply with the Mitigation Monitoring and Reporting Program (MMRP) for this project as follows:
  - a. The proponent shall comply with the MMRP for this project, including the payment of a fee to cover the Department of Environmental Review and Assessment staff costs incurred during implementation of the MMRP. The MMRP fee for this project is \$7,900.00. This fee includes administrative costs of \$800.00
  - b. Until the MMRP has been recorded and the administrative portion of the MMRP fee has been paid, no final parcel map or final subdivision map for the subject property shall be approved. Until the balance of the MMRP fee has been paid, no encroachment, grading, building, sewer connection, water connection or occupancy permit from Sacramento County shall be approved.
3. Install public street improvements (including, but not limited to, curb, gutter, six-foot sidewalk, and pavement) on the project frontage along Elk Grove-Florin Road north of existing improvements based on a 96-foot modified thoroughfare pursuant to the Sacramento County Improvement Standards and to the satisfaction of the Department of Transportation. Note: Street lights shall be installed on the project frontage along Elk Grove-Florin Road along the entire frontage, where necessary, to the satisfaction of the Department of Transportation (*Sacramento Department of Transportation*).
4. Install public street improvements (including, but not limited to six-foot sidewalk) on the project frontage along Gerber Road east of existing improvements based on a 72-foot modified arterial pursuant to the Sacramento County Improvement Standards and to the satisfaction of the Department of Transportation. Note: Street lights shall be installed on the project frontage along Gerber Road along the entire frontage, where necessary, to the satisfaction of the Department of Transportation (*Sacramento Department of Transportation*).
5. The size, number and location of driveways shall be in substantial conformance with Exhibit "3" as attached (Fehr & Peers Access Evaluation, dated March 8, 2010) and to the satisfaction of the Department of Transportation. Note: Driveway widths of 45' shall be provided at all unsignalized locations on Elk Grove Boulevard and Gerber Road (*Sacramento Department of Transportation*).
6. The project's pedestrian access ramp at the Northeast corner of Elk Grove-Florin Road and Gerber Road must be upgraded (including, but not limited to, truncated domes and pedestrian push buttons) pursuant to the State of California Title 24 Code of Regulations and to the satisfaction of the Department of Transportation (*Sacramento Department of Transportation*).
7. Prior to the rezoning of the property, grant the County right-of-way for "A" Way based on a modified 60-foot standard from the right-of-way line of Elk Grove-Florin Road east to the commercial driveway and install Type 2 curb, gutter, and sidewalk on the south side pursuant to the Sacramento County Improvement Standards and to the satisfaction of the Department of Transportation (*Sacramento Department of Transportation*).



8. Annex the subject properties to the County of Sacramento, Community Facilities District 2004-2 to support the maintenance of the landscaped medians. The annexation process takes approximately 6 months to complete. Contact Steve Hong 874-5368, Infrastructure Finance Section, Municipal Services Agency to initiate the annexation process. Final map recordation will not be approved until the annexation is complete (*Sacramento County Department of Transportation*).
9. Connection to the Sacramento Area Sewer District's (SASD) sewer system shall be required to the satisfaction of SASD. SASD Design Standards apply to any on and off-site sewer construction (*Sacramento Area Sewer District*).
10. Each lot, with the exception of proposed Parcel #5 (cell tower site), and each building with a sewage source shall have a separate connection to the SASD's sewer system. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel shall have a separate connection to a private on-site sewer line or SASD public sewer line. A sewer connection to Parcel #5 will be required if the site is recommended for any alternative urban use. (*Sacramento Area Sewer District*).
11. In order to obtain sewer service, construction of SASD sewer infrastructure will be required. Sewer collector lines for this development will be connecting to an existing 18-inch sewer stub coming north from the existing 108-inch Bradshaw Interceptor (*Sacramento Area Sewer District*).
12. In order to provide sewer service to this property, a public sewer easement will have to be recorded and dedicated to SASD along the Gerber Road frontage through Parcels 065-0080-100 and 065-0080-099, which is a part of the Champion Oaks Residential (Control #2006-0709) development. The easement should be dedicated with the rezoning of the Champion Oaks Residential project. Public sewer easements will also have to be recorded on the Champion Oaks Commercial project, to serve future subdivided lots. Note- these easement locations can be determined at the development plan and design review stage (*Sacramento Area Sewer District*).
13. Sewer easements will be required. All sewer easements shall be dedicated to SASD, in a form approved by the District Engineer. All SASD sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. SASD will provide maintenance only in public right-of-ways and in easements dedicated to the SASD (*Sacramento Area Sewer District*).
14. SASD requires their sewers to be located a minimum of 10 feet (measured horizontally from edge of pipe to edge of pipe) from all potable water lines. Separation of sewer line from other parallel utilities, such as storm drain and other 'dry' utilities (electrical, telephone, cable, etc.) shall be a minimum of 7 feet (measured horizontally from the center of pipe to the center of pipe). Any deviation from the above separation due to depth and roadway width must be approved by the SASD on a case by case basis. During the submission of the improvement plans, the applicant shall demonstrate that this condition is met (*Sacramento Area Sewer District*).
15. All structures along private drives shall have a minimum 10-foot setback (measured horizontally from edge of collector pipe to edge of structure) so that the SASD can properly

maintain the sewer line. During the submission of the improvement plans, the applicant shall demonstrate that this condition is met (*Sacramento Area Sewer District*).

16. Provide drainage easements and install facilities pursuant to the Sacramento County Floodplain Management Ordinance, Sacramento County Water Agency Code, and Sacramento County Improvement Standards, including any fee required by the Sacramento County Water Agency Code (*Water Resources Division*).
17. Offsite drainage improvements and easements shall be provided pursuant to the Sacramento County Floodplain Management Ordinance, and the Sacramento County Improvement Standards (*Water Resources Division*).
18. The Florin Vineyard GAP Community Plan (FVGCP) development shall implement the proposed FVGCP Drainage Master Plan (DMP) [FVGCP Drainage Study, Civil Engineering Solutions, Inc. (October 12, 2007) as amended and accepted by the County Department of Water Resources (DWR) on May 19, 2008], or any subsequent amendments to the DMP that are reviewed and approved by the DWR. Detailed plans for the design and construction of all proposed drainage, flood control and water quality improvements, consistent with the FVGCP DMP, shall be submitted to the DWR for review and approval (*Water Resources Division*).
19. For commercial development, all drainage fees required by the FVGCP Public Facilities Financing Plan and a fair share contribution, for NVSSP drainage improvements and rights-of-way which are of shared benefit to developments in the Elder and Gerber Creek watersheds of the FVGCP, shall be paid prior to approval of any commercial improvement plans for projects in the Elder and Gerber Creek watersheds of the FVGCP. Payment of fees pursuant to an interim fee agreement, that is adopted by the Board of Supervisors and which includes estimated fair share contributions for the FVGCP and NVSSP drainage improvements and right-of-way acquisitions, shall satisfy the intent of this condition (*Water Resources Division*).
20. Construction of the FVGCP DMP improvements may be phased, subject to the approval of the DWR, so long as hydrologic/hydraulic analyses are provided that demonstrate the phased improvements will provide adequate (100-year) flood protection to proposed development areas and will not increase flood risks in downstream and upstream areas. Such analyses shall verify that the phased improvements will mitigate post-development peak flows and water surface elevations in accordance with County standards, and will provide water quality treatment of post-development runoff in compliance with County stormwater quality requirements (*Water Resources Division*).
21. Interim drainage solutions are discouraged by DWR. However, interim on-site improvements may be approved by DWR provided that 1) the project submits drainage studies which show that County Standards are met, and 2) prior to the issuance of grading plans, the project pays all drainage fees required including a fair share contribution for drainage improvements as described above (*Water Resources Division*).
22. Prior to the approval of improvement plans for individual development projects within the FVGCP area, the project proponent shall demonstrate to the satisfaction of DWR that all FVGCP DMP improvements necessary to provide adequate flood protection to the project, and necessary to provide adequate mitigation for the project's downstream

drainage/flooding and water quality impacts, have been implemented (*Water Resources Division*).

23. Incorporate stormwater quality measures in conformance with applicable County ordinances & standards, and state and federal law. The project may implement low impact development design pursuant to and consistent with *The Stormwater Quality Design Manual for the Sacramento & South Placer Regions*<sup>1</sup>. Such implementation may be able to reduce the stormwater quality treatment requirement (*Water Resources Division*).
24. Provide a permanent concrete stamp, or other permanently applied message to the satisfaction of DWR not including paint, which reads "No Dumping-Flows to Creek" or other approved message at each storm drain inlet (*Water Resources Division*).
25. The Owner shall consent to the inclusion of this parcel within the Southgate Landscaping and Lighting Assessment District – Florin or West Vineyard Zone and the Florin-Vineyard Financing District, which will be a Landscaping and Lighting Assessment District or a Mello Roos Community Facilities District. The Owner shall notify all subsequent purchasers of parcels of land within this subdivision of the inclusion within said financing districts. These financing districts will be established by the District for purposes of funding maintenance and operations of capital improvements, open space, trails, and related park and recreation improvements for facilities directly associated with the Florin-Vineyard Community Plan projects (*Southgate Recreation and Park District*).
26. Water supply will be provided by the Sacramento County Water Agency (*Sacramento County Water Agency*).
27. Provide public water service to each building. Public water service will not be required for proposed Parcel #5 (cell tower site) unless an alternative urban use is proposed for the site. (*Sacramento County Water Agency*)
28. All water lines shall be located within a public right-of-way or within easements dedicated to SCWA. Easements shall be reviewed and approved by the Sacramento County Water Agency prior to Improvement Plan approval or Final Map approval (*Sacramento County Water Agency*).
29. Destroy abandoned wells and septic systems on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells and septic systems 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 (*Sacramento County Water Agency*).
30. Prior to the issuance of building permits, require water intensive commercial and industrial building permit applicants to conduct a water use efficiency review and submit the findings in required environmental documentation for the project (*Sacramento County Water Agency*).
31. Prior to the issuance of building permits, require efficient cooling systems, re-circulating pumps for fountains and ponds, and water recycling systems for vehicle washing as a condition of service (*Sacramento County Water Agency*).

32. Prior to the issuance of any building permits for the project, the project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Title 4 of the Sacramento County Water Agency (SCWA) Code (*Sacramento County Water Agency*).
33. Prior to the issuance of any building permits for the project, 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 (*Sacramento County Water Agency*).
34. Contact Robert Hendrix, RT Facilities (916) 649-2759 to determine if a bus shelter pad shall be provided. If determined appropriate (by RT) provide a bus shelter pad as directed (*Regional Transit*).
35. The applicant shall implement the following mitigation in order to reduce construction-related PM10 emission (*Sacramento Metropolitan Air Quality Management District*):
  - a. Keep soil moist during grading and construction.
  - b. Maintain at least two feet of freeboard space on all haul trucks.
  - c. Use emulsified diesel or diesel catalysts on applicable heavy duty diesel construction equipment.
36. Prior to the approval of Improvement Plans, Building Permits, or recordation of the final map, whichever occurs first, implement one of the following options to mitigate for the loss of 4.6± acres of Swainson's hawk foraging habitat on the project site (*Sacramento County Department of Environmental Review and Assessment*):
  - a. The project proponent shall, to the satisfaction of the California Department of Fish and Game, prepare and implement a Swainson's hawk mitigation plan that will include preservation of Swainson's hawk foraging habitat.
  - b. The project proponent shall utilize one or more of the mitigation options (land dedication and/or fee payment) established in Sacramento County's *Swainson's Hawk Impact Mitigation Program* (Chapter 16.130 of the Sacramento County Code).
  - c. Should the County Board of Supervisors adopt a Swainson's hawk mitigation policy/program (which may include a mitigation fee payable prior to issuance of building permits) prior to the implementation of one of the measures above, which may exempt this project, the project proponent may be subject to that program instead.
37. If construction, grading, or project-related improvements are to occur between March 1 and September 15, a focused survey for Swainson's hawk nests on the site and on nearby trees within ¼ mile of the site shall take place, and shall be conducted by a qualified biologist within 14 days prior to the start of construction work (including clearing and grubbing). If active nests are found, the California Department of Fish and Game (CDFG) shall be contacted to determine appropriate protective measures. If no active nests are found during

the focused survey, no further mitigation will be required (*Sacramento County Department of Environmental Review and Assessment*).

38. The following shall be required for any construction activities within 300 feet of marsh or other wetland habitat that includes stands of bulrush, cattail, or blackberry bushes: In order to mitigate potential impacts to tricolor blackbird, two pre-construction surveys of suitable habitat shall be performed by a qualified biologist. The surveys shall be done during the months of March and April (one each month) the year of project construction. If tricolor blackbirds are found nesting within the survey area, project construction shall be postponed until fledging of all nestlings (about July 15). If no active nests are found during the survey, submit a written report with date and the name of the biologist to the Department of Environmental Review and Assessment; no further mitigation will be required. If construction is proposed outside the nesting season (the nesting season is March 1-July 15), no pre-construction surveys will be required (*Sacramento County Department of Environmental Review and Assessment*).
39. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Department of Environmental Review and Assessment shall be immediately notified at (916) 874-7914.

At that time, the Department of Environmental Review and Assessment will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains (*Sacramento County Department of Environmental Review and Assessment*).

40. The applicant shall comply with the design review provisions of Zoning Code Title I Article 11, and design standards adopted as part of the Florin-Vineyard Gap Community Plan. In addition, the design review shall be forwarded to the appropriate Community Planning Advisory Council (CPAC) for information (*Sacramento County Planning and Community Development Department*).
41. No residential final maps, with the exception of large lot final maps, shall be recorded and no residential building permits shall be issued thereon, nor any building permits issued for any other use until approval of an "Implementation Plan" that implements the financing mechanisms recommended in the approved Florin Vineyard Community Plan Public Facilities Financing Plan (FVCP Financing Plan). In addition to the financing mechanisms recommended in the FVCP Financing Plan, the "Implementation Plan" shall integrate to the extent feasible all the required roadway facilities identified in the FVCP Financing Plan and North Vineyard Station Specific Plan Financing Plan. In doing so it shall fairly and equitably distribute the costs, funding, construction triggers and construction obligations between the two Financing Plan areas. The property owners shall comply with the implementation of financing mechanisms included in the approved FVCP Financing

“Implementation Plan”, including any future amendments and revisions adopted by the Board of Supervisors.

For non-residential development projects, the County and Developer may enter into an interim fee agreement to satisfy the project’s fair share funding obligation prior to the adoption of an “Implementation Plan”. For residential projects, the County and Developer may enter into an interim fee agreement that requires full participation in the “Implementation Plan”, only if funding has been advanced to the County to prepare such an “Implementation Plan” and an analysis of the facilities requirements, cost estimates and associated phasing required for the preparation of the “Implementation Plan” has been prepared by the developer and approved by the County (*Infrastructure Financing Division*).

42. Prior to the recordation of a final map or issuance of a building permit, whichever may occur first, the property owner shall annex to County Service Area No. 10 (CSA 10) for the purpose of funding a variety of transportation demand management (TDM) services to implement an overall TDM strategy that will contribute to the goal of reducing vehicle trips and shall participate in CSA 10 by approving the levy of annual service charges. To activate annual property related service charges for CSA10, the protest ballot process is required by Proposition 218. In the event the property owners fail to approve either the annexation to CSA 10 or the service charge for CSA 10, no building permits shall be issued. The annexation and protest ballot process takes approximately three (3) months, and the applicants are advised to contact the County of Sacramento Infrastructure Finance Section at (916) 874-6525 at the earliest possible time to initiate the process. In no event shall a building permit be issued prior to the successful completion of protest ballot proceedings (*Infrastructure Financing Division*).
43. Comply with the SMAQMD endorsed Florin Vineyard gap Community Plan Air Quality Mitigation Program (March 26, 2007), which requires implementation of a combination of Plan-wide and project-specific emission reduction measures that will achieve a minimum of 15 percent reduction in operational and area source emissions, consistent with General Plan Policy AQ-15 (*Department of Environmental Review and Assessment*).
44. Comply with the requirements of the SMAQMD endorsed FVGCP Climate Change Plan, dated January 28, 2010. Individual development projects shall provide the County of Sacramento Department of Environmental Review and Assessment with written documentation demonstrating compliance with the FVGCP-wide greenhouse gas reduction measures and incorporation of the project-specific measures that achieve a minimum of ten points selected in consultation with SMAQMD from the list of approved greenhouse gas reduction measures. Written evidence of SMAQMD consultation shall be required at the time of plan submittal for individual development process (*Department of Environmental Review and Assessment*).
45. All future development proposals on portions of the Florin-Vineyard Gap Community Plan area that are known to have supported livestock (cattle, hogs, poultry, etc.) holding areas prior to the 1970s, shall implement a soil sampling and analysis program for organochlorine pesticides. Prior to implementation, the soil sampling and analysis program shall be approved by the Sacramento County Environmental Management Department (EMD). The soil sampling results shall be submitted to EMD for determination of whether

detected concentrations of the sampled substances fall within acceptable health risk guidelines and, if they do not, the remedial measures that must be implemented to ensure the protection of human health. Prior to construction activities, individual project proponents shall provide documentation demonstrating implementation of any measures required by EMD for the remediation of contaminated soils to protect human health **(Department of Environmental Review and Assessment)**.

46. Prior to future development on individual parcels within the Florin Vineyard Gap Community Plan area, any/all active and inactive storage tanks and storage drums, both below and above ground, shall be removed from the property by a licensed contractor and all contents disposed of in accordance with local, state, and federal regulations. If any stained soil related to storage tanks is identified, a soil sampling and analysis program shall be implemented to identify the substance(s) and the potential environmental effects. Prior to implementation, the soil sampling and analysis program shall be approved by the Sacramento County Environmental Management Department (EMD). The soil sampling results shall be submitted to EMD for determination of whether detected concentrations of the sampled substance(s) fall within acceptable health risk guidelines and, if they do not, the remedial measures that must be implemented to ensure the protection of human health. Prior to grading or construction activities, individual project proponents shall implement any measures required by EMD for the remediation of contaminated soils to protect human health **(Department of Environmental Review and Assessment)**.
47. Prior to future development on individual parcels within the Florin Vineyard Gap Community Plan area, including preliminary grading and trenching for infrastructure, any on-site groundwater wells that are not intended for the use of the proposed development shall be abandoned in accordance with State and County regulations; this procedure requires a well abandonment permit (issued on a per-well basis) from the Sacramento County Environmental Management Department, Environmental Health Division. Any large-diameter (old hand excavated) wells and/or cisterns shall be removed and the holes backfilled in accordance with the recommendations of a geotechnical engineer **(Department of Environmental Review and Assessment)**.
48. Prior to future development on individual parcels within the Florin Vineyard Gap Community Plan area, any on-site septic system(s) and associated leach fields that are not intended for the use of the proposed development shall be abandoned in compliance with the standards of the Environmental Management Department **(Department of Environmental Review and Assessment)**.
49. All industrial or commercial development projects located adjacent to residentially designated properties shall be designed and constructed to ensure that noise levels generated by the uses do not result in General Plan Noise Element standards being exceeded on adjacent properties. An acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical consultant shall be submitted to and verified by the Department of Environmental Review and Assessment prior to the issuance of any building permits for the site. The acoustical analysis shall include, but not be limited to, consideration of potential noise conflicts due to operation of the following items:

- Mechanical building equipment, including HVAC systems;
- Loading docks and associated truck routes;
- Refuse pick up locations; and
- Refuse or recycling compactor units.

Specific designs for proposed facilities will be submitted to Sacramento County for approval prior to issuance of building permits to ensure compliance with noise standards (*Department of Environmental Review and Assessment*).

50. The project is subject to Sacramento County Street Improvement Standards adopted prior to November 1, 2009 (*Department of Transportation*).
51. The following measures apply if residential development occurs on the site, as permitted under SC zoning (*Department of Environmental Review and Assessment*).
  - a. All residential development projects within the identified 65 dB Ldn noise contour (as identified in Tables N-3 and N-10 of this EIR) shall be designed and constructed to reduce noise levels to within General Plan Noise Element standards for exterior activity areas. Potential options for achieving compliance with noise standards include, but are not limited to, noise barriers, increased setbacks, and/or strategic placement of structures. Rubberized asphalt may be considered as mitigation for traffic noise where appropriate, subject to coordination with and approval by the County Department of Transportation. An acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical consultant shall be submitted to and verified by the Department of Environmental Review and Assessment prior to the issuance of any building permits for the site.
  - b. All residential development projects within the identified 70 dB Ldn noise contour (as identified in Tables N-3 and N-10 of this EIR) shall be designed and constructed to achieve an interior noise level of 45 dB Ldn or less. An acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical consultant, shall be submitted to and verified by the Department of Environmental Review and Assessment prior to the issuance of any building permits for the site.

NOTE: Table N-10 of the EIR identifies that at this location the 65 dB contour is 174 feet from the centerline of Gerber Road and 288 feet from the centerline of Elk Grove-Florin Road, while the 70 dB contour is 81 feet from the centerline of Gerber Road and 134 feet from the centerline of Elk Grove-Florin Road.

52. The property owners shall comply with the applicable provisions of the Florin Vineyard Community Plan (FVCP), Appendix D, "Florin Vineyard Community Plan Construction of Phased Traffic Mitigation".
  - a. As noted in Appendix D of the FVCP, non-residential development projects within the Florin Vineyard Community Plan (FVCP) area are not subject to the roadway phasing requirements, but are required to contribute appropriately to meeting FVCP traffic mitigation obligations through construction of onsite roadway improvements as



specified in project conditions of approval and by payment of Florin Vineyard Fee Program roadway fees.

- b. The following applies if residential development occurs on the site (any residential development within the SC zone is subject to the same provisions as all other residential development in the FVCP area). The conditions listed in Appendix D of the FVCP implement the mitigation measures identified in the Final EIR for the Florin Vineyard Community Plan that are necessary to relieve the identified traffic and circulation impacts. Some of the traffic mitigation roadway improvements must be constructed prior to the development of the specified cumulative total number of residential units created within the Florin Vineyard Community Plan. The Board of Supervisors may approve final subdivision maps or improvement plans for residential sites within the Florin Vineyard Community Plan above the cumulative total thresholds, if it determines that said roadway improvements are expected to be completed prior to traffic being generated by said determined number of residential units and that development of more than the designated number of residential units will not result in unacceptable traffic congestion or safety problems. Any traffic studies required by the County in support of a determination shall be paid for by the residential Developer.
53. Projects within the FVCP that front on the roadways listed in Table A-1 shall be subject to the requirements of the County policy concerning discontinuous roadway frontage improvements ("sawtooth"). Unless otherwise noted, projects subject to these requirements shall install roadway frontage improvements along logical segments of at least one-quarter mile in length, including the project's frontage. If the length of the project's conditioned on-site frontage improvements on a single roadway is equal to or greater than one-quarter mile, then the project will be deemed to have satisfied the logical segment condition for that roadway. If the project's on-site frontage improvements are less than one-quarter mile in length, the project shall install additional off-site frontage improvements in order to satisfy the logical segment condition. The location and limits of such off-site frontage improvements will be determined at the time of improvement plan approval and to the satisfaction of the Department of Transportation. Off-site frontage improvements shall include the construction of the outside travel lane, bike lane, and a six-foot paved pedestrian walkway separated from the roadway by a roadside ditch. For thoroughfare roadways (ultimate six lanes) that are to be developed to an interim four-lane configuration, off-site frontage improvements shall consist of the second travel lane, bike lane and six-foot paved pedestrian walkway separated from the roadway by a roadside ditch. Projects that front on more than one of the roadways listed in Table A-1 (including corner lots) shall be responsible for meeting the logical segment condition on each fronting roadway. ADVISORY NOTE: Due to the existing and proposed extent of the project's frontage improvements, the Gerber Road and Elk Grove-Florin Road logical roadway segments requirement is satisfied by the onsite improvements for the Champion Oaks Commercial Development project (Control No. 20040139).

Table A-1: Florin Vineyard Community Plan Roadways Subject to Logical Segments:

- Bradshaw Road

- Elder Creek Road
- Elk Grove-Florin Road
- Gerber Road
- Florin Road
- South Watt Avenue
- Waterman Road

**EXHIBIT "D"**

**CONSENT OF OWNER(S) TO IMPOSITION OF REZONE CONDITIONS**

I am one of the owners of that real property which is described in Exhibit "A" of the Zoning Ordinance, which is attached thereto and incorporated therein as though set forth in full ("Subject Property"), and which is also commonly referred to and known as Assessor Parcel No. 065-0080-101. As the record owner of the Subject Property, I have applied to have the Subject Property rezoned from AR-10 and AR-10(F) to SC Land Use Zone.

On behalf of all other record owners of the Subject Property, I understand that certain conditions have been attached to the rezoning of the Subject Property. I acknowledge that those rezone conditions are enumerated in Exhibit "C" of this Zoning Ordinance, which is attached thereto and incorporated therein as though set forth in full ("Rezone Conditions").

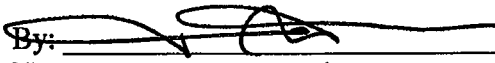
On behalf of myself and all other record owners of the Subject Property, I hereby represent that I have received a copy of the Zoning Ordinance, including Exhibits "A", "B" and "C" in their entirety, and have carefully reviewed and fully understand the Rezone conditions set forth in Exhibit "C". In my capacity as owner, and authorized representatives of all other record owners, of the Subject Property, I consent to the imposition of the Rezone Conditions and agree fully comply with the Rezone Conditions.

DATED : 2/4/11

Elk Grove Florin Gerber, LLC  
a California limited liability company

By: Taylor EGF Gerber, LP,  
Member

By: Taylor Land Investors, LLC  
General Partner

By:   
Name: Timothy J. Trench  
Its: Manager

**THE FOLLOWING IS A COMPLETE SET OF CONDITIONS, INCLUDING APPLICABLE AMENDMENTS,  
APPROVED BY THE BOARD OF SUPERVISORS ON FEBRUARY 23, 2011.**

**TENTATIVE PARCEL MAP  
CHAMPION OAKS COMMERCIAL DEVELOPMENT  
2004-RZB-PMR-ABE-0139  
Assessor's Parcel No. 065-0080-101**

**CONDITIONS OF APPROVAL:**

1. The development approved by this action is for four (4) lots in substantial compliance with Exhibit "2" (Tentative Parcel Map).
2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. Any required subsequent procedural actions shall take place within 36 months of the date on which the permit became effective or this action shall automatically be null and void.
3. The Improvement Requirement Certificate shall contain an indication that public sewer and water are required.
4. Provide access arrangements and install working fire hydrants which meet the required fire flow demands pursuant to the requirements of the Sacramento Metropolitan Fire District prior to any combustible construction.
5. Install public street improvements (including, but not limited to, curb, gutter, six-foot sidewalk, and pavement) on Elk Grove-Florin Road north of existing improvements based on a 96-foot modified thoroughfare pursuant to the Sacramento County Improvement Standards and to the satisfaction of the Department of Transportation. Note: Street lights shall be installed on Elk Grove-Florin Road along entire frontage, where necessary, to the satisfaction of the Department of Transportation (*Sacramento Department of Transportation*).
6. Install public street improvements (including, but not limited to six-foot sidewalk) on Gerber Road east of existing improvements based on a 72-foot modified arterial pursuant to the Sacramento County Improvement Standards and to the satisfaction of the Department of Transportation. Note: Street lights shall be installed on Gerber Road along entire frontage, where necessary, to the satisfaction of the Department of Transportation (*Sacramento Department of Transportation*).
7. The size, number and location of driveways shall be in substantial conformance with Exhibit "3" as attached (Fehr & Peers Access Evaluation, dated March 8, 2010) and to the satisfaction of the Department of Transportation. Note: Driveway widths of 45' shall be provided at all unsignalized locations on Elk Grove Boulevard and Gerber Road (*Sacramento Department of Transportation*).
8. The project's pedestrian access ramp at the Northeast corner of Elk Grove-Florin Road and Gerber Road must be upgraded (including, but not limited to, truncated domes and pedestrian push buttons) pursuant to the State of California Title 24 Code of Regulations and to the satisfaction of the Department of Transportation (*Sacramento Department of Transportation*).

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9. Prior to the rezoning of the property, grant the County right-of-way for "A" Way based on a modified 60-foot standard from the right-of-way line of Elk Grove-Florin Road east to the commercial driveway and install Type 2 curb, gutter, and sidewalk on the south side pursuant to the Sacramento County Improvement Standards and to the satisfaction of the Department of Transportation (*Sacramento Department of Transportation*).
10. Annex the subject properties to the County of Sacramento, Community Facilities District 2004-2 to support the maintenance of the landscaped medians. The annexation process takes approximately 6 months to complete. Contact Steve Hong 874-5368, Infrastructure Finance Section, Municipal Services Agency to initiate the annexation process. Final map recordation will not be approved until the annexation is complete (*Sacramento County Department of Transportation*).
11. Connection to the Sacramento Area Sewer District's (SASD) sewer system shall be required to the satisfaction of SASD. SASD Design Standards apply to any on and off-site sewer construction (*Sacramento Area Sewer District*).
12. Each lot and each building with a sewage source shall have a separate connection to the SASD's sewer system. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel shall have a separate connection to a private on-site sewer line or SASD public sewer line (*Sacramento Area Sewer District*).
13. In order to obtain sewer service, construction of SASD sewer infrastructure will be required. Sewer collector lines for this development will be connecting to an existing 18-inch sewer stub coming north from the existing 108-inch Bradshaw Interceptor (*Sacramento Area Sewer District*).
14. In order to provide sewer service to this property, a public sewer easement will have to be recorded and dedicated to SASD along the Gerber Road frontage through Parcels 065-0080-100 and 065-0080-099, which is a part of the Champion Oaks Residential (Control #2006-0709) development. The easement should be dedicated with the rezoning of the Champion Oaks Residential project. Public sewer easements will also have to be recorded on the Champion Oaks Commercial project, to serve future subdivided lots. Note- these easement locations can be determined at the development plan and design review stage (*Sacramento Area Sewer District*).
15. Sewer easements will be required. All sewer easements shall be dedicated to SASD, in a form approved by the District Engineer. All SASD sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. SASD will provide maintenance only in public right-of-ways and in easements dedicated to the SASD (*Sacramento Area Sewer District*).
16. SASD requires their sewers to be located a minimum of 10 feet (measured horizontally from edge of pipe to edge of pipe) from all potable water lines. Separation of sewer line from other parallel utilities, such as storm drain and other 'dry' utilities (electrical, telephone, cable, etc.) shall be a minimum of 7 feet (measured horizontally from the center of pipe to the center of pipe). Any deviation from the above separation due to depth and roadway width must be approved by the SASD on a case by case basis. During the submission of the

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improvement plans, the applicant shall demonstrate that this condition is met (*Sacramento Area Sewer District*).

17. All structures along private drives shall have a minimum 10-foot setback (measured horizontally from edge of collector pipe to edge of structure) so that the SASD can properly maintain the sewer line. During the submission of the improvement plans, the applicant shall demonstrate that this condition is met (*Sacramento Area Sewer District*).
18. Provide drainage easements and install facilities pursuant to the Sacramento County Floodplain Management Ordinance, Sacramento County Water Agency Code, and Sacramento County Improvement Standards, including any fee required by the Sacramento County Water Agency Code (*Water Resources Division*).
19. Offsite drainage improvements and easements shall be provided pursuant to the Sacramento County Floodplain Management Ordinance, and the Sacramento County Improvement Standards (*Water Resources Division*).
20. The Florin Vineyard GAP Community Plan (FVGCP) development shall implement the proposed FVGCP Drainage Master Plan (DMP) [FVGCP Drainage Study, Civil Engineering Solutions, Inc. (October 12, 2007) as amended and accepted by the County Department of Water Resources (DWR) on May 19, 2008], or any subsequent amendments to the DMP that are reviewed and approved by the DWR. Detailed plans for the design and construction of all proposed drainage, flood control and water quality improvements, consistent with the FVGCP DMP, shall be submitted to the DWR for review and approval (*Water Resources Division*).
21. For commercial development, all drainage fees required by the FVGCP Public Facilities Financing Plan and a fair share contribution, for NVSSP drainage improvements and rights-of-way which are of shared benefit to developments in the Elder and Gerber Creek watersheds of the FVGCP, shall be paid prior to approval of any commercial improvement plans for projects in the Elder and Gerber Creek watersheds of the FVGCP. Payment of fees pursuant to an interim fee agreement, that is adopted by the Board of Supervisors and which includes estimated fair share contributions for the FVGCP and NVSSP drainage improvements and right-of-way acquisitions, shall satisfy the intent of this condition (*Water Resources Division*).
22. Construction of the FVGCP DMP improvements may be phased, subject to the approval of the DWR, so long as hydrologic/hydraulic analyses are provided that demonstrate the phased improvements will provide adequate (100-year) flood protection to proposed development areas and will not increase flood risks in downstream and upstream areas. Such analyses shall verify that the phased improvements will mitigate post-development peak flows and water surface elevations in accordance with County standards, and will provide water quality treatment of post-development runoff in compliance with County stormwater quality requirements (*Water Resources Division*).
23. Interim drainage solutions are discouraged by DWR. However, interim on-site improvements may be approved by DWR provided that 1) the project submits drainage studies which show that County Standards are met, and 2) prior to the issuance of grading

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plans, the project pays all drainage fees required including a fair share contribution for drainage improvements as described above (*Water Resources Division*).

24. Prior to the approval of improvement plans for individual development projects within the FVGCP area, the project proponent shall demonstrate to the satisfaction of DWR that all FVGCP DMP improvements necessary to provide adequate flood protection to the project, and necessary to provide adequate mitigation for the project's downstream drainage/flooding and water quality impacts, have been implemented (*Water Resources Division*).
25. Incorporate stormwater quality measures in conformance with applicable County ordinances & standards, and state and federal law. The project may implement low impact development design pursuant to and consistent with *The Stormwater Quality Design Manual for the Sacramento & South Placer Regions*<sup>1</sup>. Such implementation may be able to reduce the stormwater quality treatment requirement (*Water Resources Division*).
26. Provide a permanent concrete stamp, or other permanently applied message to the satisfaction of DWR not including paint, which reads "No Dumping-Flows to Creek" or other approved message at each storm drain inlet (*Water Resources Division*).
27. The Owner shall consent to the inclusion of this parcel within the Southgate Landscaping and Lighting Assessment District – Florin or West Vineyard Zone and the Florin-Vineyard Financing District, which will be a Landscaping and Lighting Assessment District or a Mello Roos Community Facilities District. The Owner shall notify all subsequent purchasers of parcels of land within this subdivision of the inclusion within said financing districts. These financing districts will be established by the District for purposes of funding maintenance and operations of capital improvements, open space, trails, and related park and recreation improvements for facilities directly associated with the Florin-Vineyard Community Plan projects (*Southgate Recreation and Park District*).
28. Water supply will be provided by the Sacramento County Water Agency (*Sacramento County Water Agency*).
29. Provide public water service to each building (*Sacramento County Water Agency*).
30. All water lines shall be located within a public right-of-way or within easements dedicated to SCWA. Easements shall be reviewed and approved by the Sacramento County Water Agency prior to Improvement Plan approval or Final Map approval (*Sacramento County Water Agency*).
31. Destroy abandoned wells and septic systems on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells and septic systems 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 (*Sacramento County Water Agency*).
32. Prior to the issuance of building permits, require water intensive commercial and industrial building permit applicants to conduct a water use efficiency review and submit the findings

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- in required environmental documentation for the project (*Sacramento County Water Agency*).
33. Prior to the issuance of building permits, require efficient cooling systems, re-circulating pumps for fountains and ponds, and water recycling systems for vehicle washing as a condition of service (*Sacramento County Water Agency*).
  34. Prior to the issuance of any building permits for the project, the project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Title 4 of the Sacramento County Water Agency (SCWA) Code (*Sacramento County Water Agency*).
  35. Prior to the issuance of any building permits for the project, 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 (*Sacramento County Water Agency*).
  36. Contact Robert Hendrix, RT Facilities (916) 649-2759 to determine if a bus shelter pad shall be provided. If determined appropriate (by RT) provide a bus shelter pad as directed.
  37. The applicant shall implement the following mitigation in order to reduce construction-related PM10 emission (*Sacramento Metropolitan Air Quality Management District*):
    - a. Keep soil moist during grading and construction.
    - b. Maintain at least two feet of freeboard space on all haul trucks.
    - c. Use emulsified diesel or diesel catalysts on applicable heavy duty diesel construction equipment.
  38. Prior to the approval of Improvement Plans, Building Permits, or recordation of the final map, whichever occurs first, implement one of the following options to mitigate for the loss of 4.6± acres of Swainson's hawk foraging habitat on the project site (*Sacramento County Department of Environmental Review and Assessment*):
    - a. The project proponent shall, to the satisfaction of the California Department of Fish and Game, prepare and implement a Swainson's hawk mitigation plan that will include preservation of Swainson's hawk foraging habitat.
    - b. The project proponent shall utilize one or more of the mitigation options (land dedication and/or fee payment) established in Sacramento County's *Swainson's Hawk Impact Mitigation Program* (Chapter 16.130 of the Sacramento County Code).
    - c. Should the County Board of Supervisors adopt a Swainson's hawk mitigation policy/program (which may include a mitigation fee payable prior to issuance of building permits) prior to the implementation of one of the measures above, which may exempt this project, the project proponent may be subject to that program instead.



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39. If construction, grading, or project-related improvements are to occur between March 1 and September 15, a focused survey for Swainson's hawk nests on the site and on nearby trees within ¼ mile of the site shall take place, and shall be conducted by a qualified biologist within 14 days prior to the start of construction work (including clearing and grubbing). If active nests are found, the California Department of Fish and Game (CDFG) shall be contacted to determine appropriate protective measures. If no active nests are found during the focused survey, no further mitigation will be required (*Sacramento County Department of Environmental Review and Assessment*).
40. The following shall be required for any construction activities within 300 feet of marsh or other wetland habitat that includes stands of bulrush, cattail, or blackberry bushes: In order to mitigate potential impacts to tricolor blackbird, two pre-construction surveys of suitable habitat shall be performed by a qualified biologist. The surveys shall be done during the months of March and April (one each month) the year of project construction. If tricolor blackbirds are found nesting within the survey area, project construction shall be postponed until fledging of all nestlings (about July 15). If no active nests are found during the survey, submit a written report with date and the name of the biologist to the Department of Environmental Review and Assessment; no further mitigation will be required. If construction is proposed outside the nesting season (the nesting season is March 1-July 15), no pre-construction surveys will be required (*Sacramento County Department of Environmental Review and Assessment*).
41. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Department of Environmental Review and Assessment shall be immediately notified at (916) 874-7914.

At that time, the Department of Environmental Review and Assessment will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains (*Sacramento County Department of Environmental Review and Assessment*).

42. The applicant shall comply with the design review provisions of Zoning Code Title I Article 11, and design standards adopted as part of the Florin-Vineyard Gap Community Plan. In addition, the design review shall be forwarded to the appropriate Community Planning Advisory Council (CPAC) for information (*Sacramento County Planning and Community Development Department*).
43. Comply with the SMAQMD ~~approved~~ endorsed Florin Vineyard gap Community Plan Air Quality Mitigation Program (March 26, 20087), which requires implementation of a combination of Plan-wide and project-specific emission reduction measures that will achieve a minimum of 15 percent reduction in operational and area source emissions, consistent with General Plan Policy AQ-15 (*Department of Environmental Review and Assessment*).

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44. Comply with the requirements of the SMAQMD endorsed FVGCP Climate Change Plan, dated ~~11-6-2008~~ January 28, 2010. Individual development projects shall provide the County of Sacramento Department of Environmental Review and Assessment with written documentation demonstrating compliance with the FVGCP-wide greenhouse gas reduction measures and incorporation of the project-specific measures that achieve a minimum of ten points selected in consultation with SMAQMD from the list of approved greenhouse gas reduction measures. Written evidence of SMAQMD consultation shall be required at the time of plan submittal for individual development process (*Department of Environmental Review and Assessment*).
45. All future development proposals on portions of the Florin-Vineyard Gap Community Plan area that are known to have supported livestock (cattle, hogs, poultry, etc.) holding areas prior to the 1970s, shall implement a soil sampling and analysis program for organochlorine pesticides. Prior to implementation, the soil sampling and analysis program shall be approved by the Sacramento County Environmental Management Department (EMD). The soil sampling results shall be submitted to EMD for determination of whether detected concentrations of the sampled substances fall within acceptable health risk guidelines and, if they do not, the remedial measures that must be implemented to ensure the protection of human health. Prior to construction activities, individual project proponents shall provide documentation demonstrating implementation of any measures required by EMD for the remediation of contaminated soils to protect human health (*Department of Environmental Review and Assessment*).
46. Prior to future development on individual parcels within the Florin Vineyard Gap Community Plan area, any/all active and inactive storage tanks and storage drums, both below and above ground, shall be removed from the property by a licensed contractor and all contents disposed of in accordance with local, state, and federal regulations. If any stained soil related to storage tanks is identified, a soil sampling and analysis program shall be implemented to identify the substance(s) and the potential environmental effects. Prior to implementation, the soil sampling and analysis program shall be approved by the Sacramento County Environmental Management Department (EMD). The soil sampling results shall be submitted to EMD for determination of whether detected concentrations of the sampled substance(s) fall within acceptable health risk guidelines and, if they do not, the remedial measures that must be implemented to ensure the protection of human health. Prior to grading or construction activities, individual project proponents shall implement any measures required by EMD for the remediation of contaminated soils to protect human health (*Department of Environmental Review and Assessment*).
47. Prior to future development on individual parcels within the Florin Vineyard Gap Community Plan area, including preliminary grading and trenching for infrastructure, any on-site groundwater wells that are not intended for the use of the proposed development shall be abandoned in accordance with State and County regulations; this procedure requires a well abandonment permit (issued on a per-well basis) from the Sacramento County Environmental Management Department, Environmental Health Division. Any large-diameter (old hand excavated) wells and/or cisterns shall be removed and the holes backfilled in accordance with the recommendations of a geotechnical engineer (*Department of Environmental Review and Assessment*).

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48. Prior to future development on individual parcels within the Florin Vineyard Gap Community Plan area, any on-site septic system(s) and associated leach fields that are not intended for the use of the proposed development shall be abandoned in compliance with the standards of the Environmental Management Department (*Department of Environmental Review and Assessment*).
49. All industrial or commercial development projects located adjacent to residentially designated properties shall be designed and constructed to ensure that noise levels generated by the uses do not result in General Plan Noise Element standards being exceeded on adjacent properties. An acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical consultant shall be submitted to and verified by the Department of Environmental Review and Assessment prior to the issuance of any building permits for the site. The acoustical analysis shall include, but not be limited to, consideration of potential noise conflicts due to operation of the following items:
  - Mechanical building equipment, including HVAC systems;
  - Loading docks and associated truck routes;
  - Refuse pick up locations; and
  - Refuse or recycling compactor units.

Specific designs for proposed facilities will be submitted to Sacramento County for approval prior to issuance of building permits to ensure compliance with noise standards (*Department of Environmental Review and Assessment*).

50. The project is subject to Sacramento County Street Improvement Standards adopted prior to November 1, 2009 (*Department of Transportation*).
51. The following measures apply if residential development occurs on the site, as permitted under SC zoning (*Department of Environmental Review and Assessment*).
  - a. All residential development projects within the identified 65 dB Ldn noise contour (as identified in Tables N-3 and N-10 of this EIR) shall be designed and constructed to reduce noise levels to within General Plan Noise Element standards for exterior activity areas. Potential options for achieving compliance with noise standards include, but are not limited to, noise barriers, increased setbacks, and/or strategic placement of structures. Rubberized asphalt may be considered as mitigation for traffic noise where appropriate, subject to coordination with and approval by the County Department of Transportation. An acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical consultant shall be submitted to and verified by the Department of Environmental Review and Assessment prior to the issuance of any building permits for the site.
  - b. All residential development projects within the identified 70 dB Ldn noise contour (as identified in Tables N-3 and N-10 of this EIR) shall be designed and constructed to achieve an interior noise level of 45 dB Ldn or less. An acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical

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consultant, shall be submitted to and verified by the Department of Environmental Review and Assessment prior to the issuance of any building permits for the site.

NOTE: Table N-10 of the EIR identifies that at this location the 65 dB contour is 174 feet from the centerline of Gerber Road and 288 feet from the centerline of Elk Grove-Florin Road, while the 70 dB contour is 81 feet from the centerline of Gerber Road and 134 feet from the centerline of Elk Grove-Florin Road.

52. The property owners shall comply with the applicable provisions of the Florin Vineyard Community Plan (FVCP), Appendix D, "Florin Vineyard Community Plan Construction of Phased Traffic Mitigation".
  - a. As noted in Appendix D of the FVCP, non-residential development projects within the Florin Vineyard Community Plan (FVCP) area are not subject to the roadway phasing requirements, but are required to contribute appropriately to meeting FVCP traffic mitigation obligations through construction of onsite roadway improvements as specified in project conditions of approval and by payment of Florin Vineyard Fee Program roadway fees.
  - b. The following applies if residential development occurs on the site (any residential development within the SC zone is subject to the same provisions as all other residential development in the FVCP area). The conditions listed in Appendix D of the FVCP implement the mitigation measures identified in the Final EIR for the Florin Vineyard Community Plan that are necessary to relieve the identified traffic and circulation impacts. Some of the traffic mitigation roadway improvements must be constructed prior to the development of the specified cumulative total number of residential units created within the Florin Vineyard Community Plan. The Board of Supervisors may approve final subdivision maps or improvement plans for residential sites within the Florin Vineyard Community Plan above the cumulative total thresholds, if it determines that said roadway improvements are expected to be completed prior to traffic being generated by said determined number of residential units and that development of more than the designated number of residential units will not result in unacceptable traffic congestion or safety problems. Any traffic studies required by the County in support of a determination shall be paid for by the residential Developer.
53. Projects within the FVCP that front on the roadways listed in Table A-1 shall be subject to the requirements of the County policy concerning discontinuous roadway frontage improvements ("sawtooth"). Unless otherwise noted, projects subject to these requirements shall install roadway frontage improvements along logical segments of at least one-quarter mile in length, including the project's frontage. If the length of the project's conditioned on-site frontage improvements on a single roadway is equal to or greater than one-quarter mile, then the project will be deemed to have satisfied the logical segment condition for that roadway. If the project's on-site frontage improvements are less than one-quarter mile in length, the project shall install additional off-site frontage improvements in order to satisfy the logical segment condition. The location and limits of such off-site frontage improvements will be determined at the time of improvement plan approval and to the satisfaction of the Department of Transportation. Off-site frontage improvements shall include the construction of the outside travel lane, bike lane, and a six-foot paved pedestrian

walkway separated from the roadway by a roadside ditch. For thoroughfare roadways (ultimate six lanes) that are to be developed to an interim four-lane configuration, off-site frontage improvements shall consist of the second travel lane, bike lane and six-foot paved pedestrian walkway separated from the roadway by a roadside ditch. Projects that front on more than one of the roadways listed in Table A-1 (including corner lots) shall be responsible for meeting the logical segment condition on each fronting roadway.

ADVISORY NOTE: Due to the existing and proposed extent of the project's frontage improvements, the Gerber Road and Elk Grove-Florin Road logical roadway segments requirement is satisfied by the onsite improvements for the Champion Oaks Commercial Development project (Control No. 20040139).

Table A-1: Florin Vineyard Community Plan Roadways Subject to Logical Segments:

- Bradshaw Road
- Elder Creek Road
- Elk Grove-Florin Road
- Gerber Road
- Florin Road
- South Watt Avenue
- Waterman Road

54. Comply with the Mitigation Monitoring and Reporting Program (MMRP) for this project as follows:
- a. The proponent shall comply with the MMRP for this project, including the payment of a fee to cover the Department of Environmental Review and Assessment staff costs incurred during implementation of the MMRP. The MMRP fee for this project is \$7,900.00. This fee includes administrative costs of \$800.00
  - b. Until the MMRP has been recorded and the administrative portion of the MMRP fee has been paid, no final parcel map or final subdivision map for the subject property shall be approved; Until the balance of the MMRP fee has been paid, no encroachment, grading, building, sewer connection, water connection or occupancy permit from Sacramento County shall be approved.
55. SRCSD requires continuous access to its pipelines and facilities at all times. Any proposed improvement that restricts or limits SRCSD access to its easement for the purpose of construction, maintenance, operation, and repair of SRCSD facilities shall not be allowed within the existing SRCSD easement (*Sacramento Regional County Sanitation District*).
56. The improvement plans shall clearly delineate and identify all existing SRCSD easements, interceptors, and facilities (*Sacramento Regional County Sanitation District*).
57. Deep rooted trees, trees with a mature growth of more than five feet, oak trees and other environmentally protected species, shall not be permitted within SRCSD's existing easement (*Sacramento Regional County Sanitation District*).

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58. Permanent structures, walls/sound walls, and footings shall not be permitted within the existing SRCSD easement (*Sacramento Regional County Sanitation District*).
59. Special paving and any concrete with architectural finish shall not be placed within the existing SRCSD easement (*Sacramento Regional County Sanitation District*).
60. Gates impeding access to existing SRCSD easements and facilities shall meet SRCSD standards for accessibility (*Sacramento Regional County Sanitation District*).
61. Any proposed utility crossing of an SRCSD interceptor shall have a minimum vertical clearance of 5-feet (*Sacramento Regional County Sanitation District*).
62. Any proposed utility crossing of an SRCSD interceptor shall be a maximum of 45 degrees from that line that is perpendicular to the centerline of the interceptor (*Sacramento Regional County Sanitation District*).
63. SRCSD manholes shall not be located within curb, gutter, or sidewalks (*Sacramento Regional County Sanitation District*).
64. Parallel utilities (water, drain, electrical, etc.) shall not be allowed within the existing SRCSD easement area, unless express written approval is obtained from the District Engineer (*Sacramento Regional County Sanitation District*).
65. Direct lateral connections to the SRCSD interceptor system shall not be permitted (*Sacramento Regional County Sanitation District*).

**FINDINGS:**

1. With the adoption of the Florin-Vineyard Gap Community Plan, the request is consistent with the County General Plan Map Urban Development Area Designation and Text in that no policy conflicts have been identified.
2. The request is consistent with the two proposed Florin-Vineyard Gap Community Plan Land Use Maps (Citizens Advisory Committee and Planning Department Alternatives).
3. The proposed development will conform to applicable Zoning Code regulations for the Shopping Center (SC) zone.
4. Identified environmental effects and suggested mitigation measures have been taken into consideration.
5. Staff has identified no effects from the proposal which would result in a significant detrimental impact on adjoining or neighboring properties.
6. The proposed lots will conform to the Zoning Code as to size, frontage and width requirements.

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7. The proposed lots will be compatible with the predominant neighborhood pattern of development.
8. All required findings as set forth in the State Map Act and the County Land Development Ordinance can be made in the affirmative.

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