

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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DATE : January 29, 2008
TO: Sacramento Local Agency Formation Commission
FROM: Peter Brundage, Executive Officer
RE: **City of Elk Grove Concurrent Sphere of Influence Amendment, Detachment from CSA No.1 and Annexation of the 86+ Acre Franklin Crossing Annexation Area (APNs: 132-0132-042 & 1680-057) (LAFC 08-07) Mitigated Negative Declaration**
CONTACT: **Don Lockhart, Assistant Executive Officer (916) 874-2937**

RECOMMENDATION:

1. Adopt the attached Resolution of the Sacramento Local Agency Formation Commission accepting the Mitigated Negative Declaration tiered from the Final Environmental Impact Report for the East Franklin Specific Plan – Franklin Crossing Sphere of Influence Amendment and City of Elk Grove Annexation (State Clearinghouse # 1997112030 - LAFC 08-07)
2. Adopt the attached Resolution of the Sacramento Local Agency Formation Commission 1) Making Written Determinations for the Municipal Services Review; and 2) Approving the Franklin Crossing Sphere of Influence Amendment, Detachment from CSA No.1 and City of Elk Grove Annexation.
(LAFC 08-07)

DISCUSSION

At the regular Commission meeting on June 5, 2007, your Commission approved the request from the City of Elk Grove to waive your policy that discourages the concurrent processing of a Sphere of Influence Amendment and an Annexation. The Commission approved this request for a number of reasons discussed further below.

BACKGROUND

The City of Elk Grove was incorporated on July 1, 2000, after two prior failed attempts, one in 1988, the next in 1994. The City contains approximately 35 +/- square miles. It is located south of Calvine Road, west of Grantline, north of Kammerer Road and east of Interstate 5.

A Sphere of Influence is defined as the probable physical boundary and service area of a local agency. Land use regulation and service delivery within a Sphere of Influence remains the responsibility of Sacramento County and affected special districts until such time as the area, or any portion thereof, is annexed to an incorporated city.

On September 3, 2003 the Commission approved the current SOI for the City of Elk Grove as coterminous with the City of Elk Grove's city limit (corporate boundary) at the date of incorporation; and concurrently amended the SOI and annexed the territory described as Laguna West, (Laguna West, Stonelake and Lakeside) to the City of Elk Grove.

Your Commission considered several points in support of granting this exception:

- 1) The subject territory is undeveloped, and is part of the 2474+ acre East Franklin Specific Plan, approved by the County of Sacramento on May 31, 2000, prior to incorporation. It is located entirely within the County General Plan Urban Services Boundary, and is currently designated for single family residential development. The 2388+ acre balance of the EFSP is already within the city limit.
- 2) The subject territory was not included in the incorporation proceedings because it was not yet developed and was in the process of obtaining County approval for development.
- 3) The subject territory does not appear to create any significant political, environmental, fiscal or socio-economic issues that are at odds with annexation to the City of Elk Grove.
- 4) The project site is uninhabited, with 100 % landowner consent.
- 5) Annexation to the City of Elk Grove would promote a logical extension of urban services, and facilitate the implementation of the EFSP, including the updated Financing Program, under the auspices of a single land use authority.

CITY OF ELK GROVE AND COUNTY OF SACRAMENTO POINTS OF AGREEMENT

The City of Elk Grove and County of Sacramento have satisfied the “Meet and Confer” requirement of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. On November 29, 2007 City and County staff to discuss this proposed Sphere of Influence Amendment (Sec. 56435).

The required meet and confer process addressed the proposed SOI, and its boundaries. The intent is to explore methods to reach agreement on the boundaries, development standards, and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city; and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. The parties are not required to reach agreement. Although the County staff did not express opposition to the proposal, they continue their review and have not yet responded in writing. The City has provided adequate written acknowledgment of the meet and confer process.

Previously, on June 14, 2006, the City and County approved a Property Tax Sharing Agreement. The City's request to modify the standard Sacramento LAFCo process into one proposal does not affect the property tax exchange agreement.

PROJECT PROPONENTS:

City of Elk Grove c/o
Christine Crawford, Planning Director
8401 Laguna Palms Way
Elk Grove, CA 95758
(916) 478-2264
ccrawford@elkgrovecity.org

Reynen & Bardis, LLC
10630 Mather Blvd.
Sacramento, CA 95655
(916)366-3665

This proposal was initiated by a Resolution of the City Council, in response to a landowner application.

FPPC DISCLOSURE

The project proponents, Reynen & Bardis, LLC have declared political contributions to Commissioners Yee and MacGlashan, adequate to necessitate their recusal from these proceedings.

BOUNDARY OF THE PROJECT AREA

The affected territory is bounded on the north by Bilby Road/Elk Grove City Limits, on the west by Union Pacific Railroad tracks; on the south by Assessors Parcel Number 132-0132-022 located within unincorporated Sacramento County; and on the east by Assessors Parcel Numbers 132-0132-006 and 007.

The project site consists of three parcels totaling 86.8± acres which are located in the southwest corner of the East Franklin Specific Plan (EFSP).

SUMMARY OF PROJECT DESCRIPTION

The proposed project is an application to the Sacramento Local Agency Formation Commission by the City of Elk Grove to expand the City's Sphere of Influence, and to concurrently annex the project into the previously approved East Franklin Specific Plan. The City Council has approved a General Plan Amendment to incorporate the Franklin Crossing annexation/sphere of influence amendment area into the City of Elk Grove; a Specific Plan Amendment to redistribute the land use designations of Single-Family Residential 2-4 (SFR 2-4), Single Family Residential 3-5 (SFR 3-5), Mini Park, Open Space, and Water Quality Basin to SFR 2-4, SFR 3-5, Mini Park and Open Space, and to amend the street standards for Executive Housing in the East Franklin Specific Plan; a Rezone from Agricultural-80 acres minimum (AG-80) to Low Density Residential-4 dwelling units/acre (RD-4), Low Density Residential-5 dwelling unit/acre (RD-5), and Open Space (O); a Tentative Subdivision Map to subdivide two parcels totaling 86.4 acres into 233 single-family residential lots; and a Design Review of the subdivision layout.

The project site (referred as the “Franklin Crossing Annexation Area”) consists of two parcels totaling 86.5± acres, which are located in the southwest corner of the East Franklin Specific Plan (EFSP). The parcel sizes are 86.1 acres and 0.4 acres, which are owned by Reynen & Bardis and the Cosumnes Community Services District (CCSD), respectively. The site is vacant with surrounding land uses composed of rural and single-family residences to the north, the Western Pacific Railroad to the west, and agricultural lands to the south and east.

The EFSP was adopted prior to the effective date of incorporation of July 1, 2000. The Sacramento County Board of Supervisors acted on May 31, 2000. The EFSP was incorporated within the boundaries of the City, with the exception of the Franklin Crossing Annexation Area, which remained in Sacramento County.

Franklin Crossing is located south of the city limit, east of the Union Pacific rail line and north of the alignment of Kammerer Road (which terminates to the east at Bruceville Road.) The proposed

Sphere of Influence Amendment and Annexation is contiguous to the city limit. In anticipation of annexation, the affected territory was rezoned on March 28, 2007, to accommodate 233 single-family dwellings.

The site topography is relatively flat and covered with seasonal vegetation. Approximately 0.26 acre of ephemeral ditches has been identified by a wetland delineation prepared by Gibson and Skordall (April 2003, revised March 2004), which are potentially regulated by the Corps of Engineers under Section 404 of the Clean Water Act.

Population and Housing Information

The site is currently vacant and uninhabited. The estimated population of the area would be 715 (based on General Plan's average household size of 3.07 person per household X proposed 233 single family units.) The projected growth in the adjacent incorporated and unincorporated areas is minimal.

The Franklin Crossing Annexation Area is located adjacent to residential developments at the northeast corner of the site. The CCSD parcel shares a common property line with four residential lots and the Reynen & Bardis parcel is located approximately 70 feet from the nearest residential lot.

The Franklin Crossing subdivision project will provide housing needs for moderate-above income residents. The project site is designated for Executive Housing as per the East Franklin Specific Plan.

Land Use and Zoning

County: Sacramento

The territory is within the East Franklin Specific Plan. The current General Plan Land Use Designation and Specific Plan Land Use Designations are:

General Plan Land Use Designation: Low Density Residential

East Franklin Specific Plan Land Use Designations: Single Family Residential 2-4, Single Family Residential 3-5, Mini Park, Open Space, and Water Quality Basin.

Current County Zoning:

Agriculture 80 (AG-80)

City: Elk Grove

Current City Rezoning:

On March 28, 2007, the City Council approved a pre-zone of the Franklin Crossing Annexation Area consisting of Low Density Residential-4 du./ac. (RD-4) , Low Density Residential-5 du./ac. (RD-5), and Open Space (O).

The following table lists all permits or approvals that will be needed or have been granted by the County or city to complete the project.

Type of Approval of Permit	File Number	Approval Date
City General Plan Amendment	EG-04-727	Deferred
Specific Plan Amendment	EG-04-727	6-27-07
Tentative Subdivision Map	EG-04-727	6-27-07
City Pre-Zoning	EG-04-727	3-28-07
City Rezone	EG-04-727	6-27-07
Subdivision Design Review	EG-04-727	6-27-07

The predominate uses of adjacent land (vacant, residential, commercial, etc.)

North: Residential South: Agricultural

East: Agricultural West: Western Pacific Railroad

Currently, the CCSD parcel (0.4 ac.) is built-out as a portion of a continuous landscape corridor along the south boundary of a residential development within the East Franklin Specific Plan. The Reynen & Bardis (86.1 ac.) parcel is vacant agricultural land.

The ultimate land use designations and zoning districts for the Franklin Crossing Annexation Area will be the following upon the completion of annexation into the City of the Elk Grove.

General Plan Land Use Designations: Estate Residential, Low Density Residential, Public Parks, and Public Open Space/Recreation

East Franklin Specific Plan Land Use Designations: Single-Family Residential 2-4, Single Family Residential 3-5, Mini Park, and Open Space

Zoning Districts: Low Density Residential-4 du./ac., Low Density Residential-5 du./ac., and Open Space

On June 27, 2007, the Elk Grove City Council held a public hearing and approved the Franklin Crossing subdivision project, which will encompass the Franklin Crossing Annexation Area. The land use designations and zoning districts stated above are as a result of the General Plan Amendment, Specific Plan Amendment, and Prezone associated with the Franklin Crossing subdivision project.

At the request of staff, the City Council approved to defer the General Plan Amendment approval to a date uncertain in an effort to accommodate several current projects that are also requesting General Plan Amendments. A maximum of 4 amendments are allowed per year, of which 2 amendments have already taken place. The purpose of the deferral is to consolidate a majority of the amendment requests as one City Council amendment approval at a future date.

City General Plan

The Franklin Crossing subdivision project is consistent with the proposed General Plan land use designations as stated above and the East Franklin Specific Plan land use designations.

Proposed General Plan Land Use Designations – Estate Residential, Low Density Residential, Public Parks, and Public Open Space/Recreation

East Franklin Specific Plan Land Use Designations – Single-Family Residential 2-4, Single-Family Residential 3-5, Mini Park, and Open Space

The proposal will result in the development of the Franklin Crossing subdivision project which consists of 233 residential lots, 1 neighborhood park, and 14 landscape lots. The project applicant will be required to dedicate, design, and improve Willard Parkway and Bilby Road. In addition, the applicant will be required to dedicate the right-of-way for the future extension of Kammerer Road.

Approval of the proposed sphere of influence amendment and annexation will facilitate the extension of urban facilities and services to the project site.

Sphere of Influence

Community of Interest - As part of the East Franklin Specific Plan, the Franklin Crossing Annexation Area has been included in various fee programs administered by the City of Elk Grove and was expected to be included in an infrastructure Mello Roos called the Poppy Ridge CFD 2003-1 administered by the City.

Willard Parkway is a 6-lane facility terminating immediately north of Bilby Road. This project is conditioned to extend Willard Parkway from Bilby to the project limit. Utilities such as storm drain lines exist on both Bilby Road and Willard Parkway. The project can connect to the existing utilities for needed services.

The Franklin Crossing subdivision project completed a drainage study, which concluded that the existing storm drain line has adequate capacity to accommodate the project flows. Furthermore, the development of the existing and future roadway infrastructure had anticipated the Franklin Crossing project, for which the roadways were sized accordingly.

SUMMARY OF LAFCO SPHERE OF INFLUENCE ANALYSIS

General Sphere of Influence Requirements

1. Municipal Service Review
1. Environmental Documentation.
2. City and County “meet and confer” negotiation period regarding the Sphere of Influence boundaries, development standards, and zoning requirements for the areas within the proposed Sphere of Influence. LAFCo is required to give "great weight" if agreement is

reached between the City of Elk Grove and the County of Sacramento. The two entities have completed their required meet and confer process, and have come to verbal agreement on various matters.

Sphere of Influence Review Requirements per Government Code

In determining the Sphere of Influence of each local agency, the Commission shall consider and prepare a written statement of its determinations with respect of each of the following:

1. The present and planned land uses in the area, including agricultural and open space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency (or agencies) provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

In conducting a Sphere of Influence Review, the Commission shall comprehensively review all of the agencies that provide the identified service or services in the identified area. Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

- (a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) Consistency with city or county general and specific plans.
- (h) The Sphere of Influence of any local agency which may be applicable to the proposal being reviewed.
- (i) The comments of any affected local agency.
- (j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.
- (l) The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.
- (m) Any information or comments from the landowner or owners.
- (n) Any information relating to existing land use designations.

The Commission shall consider the request and receive any oral or written testimony. The Commission may approve or disapprove, with or without amendment, wholly, partially, or conditionally, the request.

MUNICIPAL SERVICE REVIEW-GENERAL GUIDELINES

Please note, the Municipal Services Review is attached.

Municipal Service Review Requirements

In order to prepare the Sphere of Influence Amendment for the proposal, the Commission shall conduct a service review of the municipal services provided in the affected territory. The Commission shall include in the area designated for service review the county, the region, the sub-region, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed and shall prepare a written statement of its determination with respect to each of the following:

1. Infrastructure needs or deficiencies.
2. Growth and population projections for the affected area.
3. Financing constraints and opportunities.
4. Cost avoidance opportunities.

5. Opportunities for rate restructuring.
6. Opportunities for shared facilities.
7. Government structure options, including advantages and disadvantages of consolidations or reorganization of service providers.
8. Evaluation of management efficiencies.
9. Local accountability and governance.

The Purpose and Intent of the Municipal Service Review

The MSR is the instrument required to provide information and data to ensure that the Commission has access to all necessary information in a timely manner to make sound conclusions and determinations with respect to municipal services.

Determinations have been included for each of the service items addressed in the Municipal Services Review. The information included in the MSR supports the general determinations stated in the “Determinations” of each section.

Generally, including the Franklin Crossing Annexation Area within the Sphere of Influence of the City of Elk Grove will improve government structure options. Future residents will share common municipal services currently provided to the City lands within the East Franklin Specific Plan Area, which lies directly north of the site. This will result in a uniform expansion of residential land use and allow the future residents to benefit from similar levels of service, governmental structure and vision within the City of Elk Grove.

The proposal for the inclusion of the Franklin Crossing Annexation Area into the SOI has included extensive planning and engineering efforts on the part of the applicant Project Team, County of Sacramento and City of Elk Grove. Based upon the information contained herein, the extension of service to this project area through the City of Elk Grove will provide a well-planned and logical expansion of services currently provided to the existing residents within the City. Similarly, by providing for comprehensive service planning to the project area, the service levels to the existing City will not be negatively affected, and in some cases will be improved through future funding and construction of various proposed infrastructure improvements. With the approval of annexation, the project will participate in funding a fair share fee, user fees, and assessments to support the increased East Franklin Specific Plan service area with the SOI Amendment.

The City of Elk Grove has made an effort to proactively plan to provide for future growth in this area. The determinations in the MSR quantify the ability of the City to provide for planning for services and financing to meet the needs of the project through inclusion into the SOI. The MSR determines that there is adequate government structure to provide services and accommodate successful growth.

The City of Elk Grove General Plan includes extraterritorial Land Use Policies. Land Use Policy LU-12 through LU-16 and LU-24 through LU-27 address lands outside the incorporated area of Elk Grove. LU-24 through LU-27 specifically address policies related to the East Franklin Specific Plan area, which includes the proposed annexation area.

LU-12 The Land Use Policy Map for the Planning Area (Figure LU-2) provides conceptual land use policy for the area outside the current incorporated boundaries of Elk Grove. This policy is

intended as a statement of the City's long-term vision for this area; these lands remain under the jurisdiction of Sacramento County. Except for where specifically indicated, the City's land use policy for areas outside the city limits reflects the County of Sacramento's land use policy as it existed on December 31, 2002.

LU-12-Action 1 Following the annexation of any area within the Planning Area to the City of Elk Grove, initiate any planning process necessary to implement the land uses shown in the Land Use Policy Map for the Planning Area.

LU-13 The City will work with the Sacramento Local Agency Formation Commission to establish and update a Sphere of Influence, which reflects the City's near-term goals for potential annexations to the corporate boundaries

LU-14 The City shall apply the following policies to potential annexations:

- Annexations should conform to an orderly expansion of city boundaries within planned urban growth areas and provide for a contiguous development pattern;
- Annexations should include a comprehensive land use plan for the affected territory, including Pre-zoning and a plan for infrastructure financing and phasing;
- Annexations should:
 - Constitute fiscally sound additions to the existing City.
 - Be consistent with State law and Local Agency Formation Commission policies, standards and criteria.
 - Preserve neighborhood identities.
 - Ensure the provision of adequate municipal services.
 - Be consistent with General Plan and Community Plan land use policies.
 - Incorporate Smart Growth criteria for sustainable economic growth while maintaining environmental integrity, and providing for social equity.
 - Promote fiscally sound, efficient service boundaries

LU-15 The City shall encourage annexations initiated by landowner/residents, which are consistent with City policies.

LU-16 The areas designated in the Planning Area as "Urban Study Areas" are envisioned as areas in which urbanizations to some extent could occur, generally in compliance with the following criteria:

- Development should be limited to areas outside of the 100-year floodplain.
- Development should take place in compliance with the goals and policies of this General Plan.
- Any study of potential land uses in these areas should be accomplished in cooperation with the County of Sacramento, the Sacramento Local Agency Formation Commission, and other agencies and parties with ownership or jurisdiction of lands in and near the study area.
- Any study of land uses in these areas should be accompanied by an environmental evaluation of the potential impacts of development.
- Prior to the completion of land use studies, the City's policy is that County of Sacramento land use designations in effect as of December 31, 2002, are retained

LU-16-Action 1 Work with the County of Sacramento to establish and implement a program to study the potential for these areas to support urban development.

LU-24 Land uses in the “East Franklin Policy Area” shall generally conform with the uses shown on page 136 of the City General Plan (Figure LU-4).

LU-25 The East Franklin Specific Plan shall designate a minimum of 64 net acres of land for development of high-density residential development.

LU-25 Action 1 Amend the East Franklin Specific Plan to conform with the requirements of this Policy.

LU-26 Development in the East Franklin Policy Area shall take place in accordance with the East Franklin Specific Plan.

LU-27 The East Franklin Specific Plan and any related implementation plans (including, but not limited to, capital facilities plans, public facilities financing plans, etc.) shall be consistent with this General Plan and shall be used to implement the land use and other policies of this General Plan

These policies are meant to direct land use in areas that could ultimately be annexed and ensure adequate service will be available to serve development.

The area proposed for annexation is predominantly agricultural land. The City of Elk Grove has pre-zoned the land for Low Density Residential (RD-4 &5) and Open Space (O), which is consistent with the Sacramento County General Plan and the City’s General Plan.

Summary of Services and Service Providers

The City of Elk Grove is a General Law “contract city.” The applicant has demonstrated the need for the array of available municipal services in order to develop their property. The City of Elk Grove and affected agencies have demonstrated the means and capacity to provide public or municipal services.

The City has police protection, public works, public libraries, land use planning, building permit services, and other miscellaneous services needed to support urbanization. The City contracts for solid waste disposal – including curb-side recycling and green waste pick-up. Over the past number of years, some of these services have combined in order to address regional needs. Joint Powers Agreements (JPA) have been created agencies to provide sanitary sewer service (SRCSD and CSD#1,) libraries, and emergency response communication. Generally, these mergers have resulted in improved service levels to meet the needs of a fast growing community. However, several areas or government functions, remain separate and autonomous and continue to be provided by the City, the County and various special districts. The Cosumnes Community Services District provides recreation and parks services as well as fire protection – including hazardous material, emergency medical service and advanced life support capabilities,

TABLE 1
SUMMARY OF SERVICES AND SERVICE PROVIDERS FOR URBAN STUDY AREA 3 (INCLUDES FRANKLIN CROSSING)

Service	Current Service Provider	Provider for Annexed Area
Building and Safety	County's Building Inspection Division	City of Elk Grove Building/Inspection Department
Engineering	County Public Works Department	City of Elk Grove Public Works Department
General Government	County Board of Supervisors	Elk Grove City Council
Planning and Land Use Control	County Department of Planning and Community Development	City of Elk Grove Planning Division
Public Works, Construction and Maintenance	County Public Works Department	City of Elk Grove Public Works Department
Animal Control	Sacramento County Animal Care and Regulation Department	City of Elk Grove Animal Care Services Department
Cellular Phone Service	Various private providers	Various private providers
Electrical Service	Sacramento Municipal Utility District	Sacramento Municipal Utility District
Fire Protection	Cosumnes Community Services District	Cosumnes Community Services District
Flood Control	County Department of Water Resources	City of Elk Grove Public Works
Garbage Service	Waste Management, Inc.	BFI
Law Enforcement	County Sheriff	City of Elk Grove Police Department
Libraries	Sacramento Public Library Authority	Sacramento Public Library Authority
Natural Gas	Pacific Gas and Electric Company	Pacific Gas and Electric Company
Parks and Recreation	Cosumnes Community Services District and Sacramento County Department of Regional Parks, Recreation and Open Space	Cosumnes Community Services District and Sacramento County Department of Regional Parks, Recreation and Open Space
Schools	Elk Grove Unified School District	Elk Grove Unified School District
Sewer Service	County Sanitation District 1(CSD-1)	County Sanitation District 1 (CSD-1)
Telephone Service	Frontier Communications and Surewest Communications	Frontier Communications and Surewest Communications
Television and Cable	Wireless Broadcasting System of Sacramento (WBS) and AT & T Broadband	Wireless Broadcasting System of Sacramento (WBS) and AT & T Broadband
Transit Service	Regional Transit	City of Elk Grove
Water	Various Districts	Elk Grove Water Service

The provision of services is analyzed and discussed in the attached MSR.

Commission Duties and Responsibilities under Cortese Knox-Hertzberg Local Government Reorganization Act of 2000

The Commission shall have all of the ... powers and duties ... to review and approve or disapprove, with or without amendment, wholly, partially, or conditionally, proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the Commission A Commission shall not impose any conditions that would directly regulate

land use density or intensity, property development, or subdivision requirements. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A Commission shall require, as a condition to annexation, that a city prezone the territory to be annexed. However, the Commission shall not specify how, or in what manner, the territory shall be prezoned. The decision of the Commission shall be based upon the General Plan and pre-zoning of the City of Elk Grove in effect at the time of the decision. [Government Code Section 56375(a).]

In addition, LAFCo is to review proposals and consider discouragement of urban sprawl, the preservation of open space and prime agricultural land and the encouragement of orderly formation and development of local governmental agencies. [Government Code 56001 and 56668.]

LAFCO STANDARDS AND PROCEDURES RE SPHERES OF INFLUENCE

The proposed Sphere of Influence Amendment for the City of Elk Grove is consistent with Sacramento LAFCo Policies, Standards and Procedures. Government Code Section 56425(a) specifies "In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities, the Commission shall develop and determine the Sphere of Influence of each local agency within the county."

Findings

The proposed Sphere of Influence Amendments for the project is consistent with the purpose and responsibility of the Sacramento Local Agency Formation Commission to plan and shape the logical and orderly development, together with coordination of local agencies, in order to provide for the present and future needs of the County of Sacramento and its communities.

A. Present and planned land uses in the area, including agricultural and open space:

A city is a political subdivision under the State of California. The power and authority of a city is derived from the State Constitution and State law. The affected territory includes agricultural and open space land uses and vacant land consisting of approximately 577 acres. The Sphere of Influence Amendment (SOIA) area would provide territory needed by the City of Elk Grove to provide for the future expansion needs and maintain logical and orderly patterns of development.

B. The present and probable need for public facilities and services in the area:

The SOI is a plan for the future probable physical boundaries and service area for the City of Elk Grove. The Commission has the authority to determine the SOI for each local entity. (The County of Sacramento does not have a SOI.) The purpose of the SOI is to provide for the present and future needs of the community. The SOI may be subject to terms and conditions imposed by LAFCo to ensure the orderly development and planned growth tempered by the need to preserve open space and agricultural land.

The SOI amendment will not require the immediate need for additional public facilities or services. In fact, it would be premature to develop infrastructure for an area that has not been approved for annexation. The purpose of the SOI analysis is to identify the probable impacts

that may occur based on the assumptions associated with the land use scenario analyzed for the SOI territory.

C. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide:

The City of Elk Grove has the present capacity to provide municipal services within the respective service area. Approval of the SOI territory will facilitate and encourage that the City plan for expansion of necessary services prior to any annexation proposal.

D. The existence of any social or economic communities of interest:

Territory within the proposed SOI area is located within Sacramento County's Urban Service Boundary line (i.e., the ultimate boundary for the delivery of municipal services provided by the County and Special Districts). The City of Elk Grove does not have an urban growth boundary beyond its existing corporate boundaries. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 promotes the view that urban development should occur within municipal boundaries.

The proposed East Franklin Sphere of Influence Amendments conform to the following LAFCo Policies, Standards and Procedures.

1. The proposed SOI territory does not overlap the Sphere of Influence of any other city.
2. The MSR for the proposed SOI identifies types and adequacy of municipal services to be provided.
3. The MSR for the proposed SOI identifies existing land uses and reasonable projection of land uses that may occur.
4. The MSR for the proposed SOI identifies existing and proposed facilities.
5. The proposed SOI is consistent with the policies of the General Plan of the City of Elk Grove.
6. The SOI does not split neighborhoods or divide an existing identifiable community, commercial district, or other area having a social or economic identity.
7. The proposed SOI does not create islands, corridors or peninsulas or distort existing boundaries.
8. The proposed SOI does not exclusively contain revenue-producing properties.
9. The proposed SOI does not split parcels or create an area difficult to serve.
10. The proposed SOI is orderly and is not "leap frog" development in relation to existing development.

11. The proposed SOI does not pose a threat to public health and safety.
12. Projected population growth and development patterns for the City of Elk Grove are occurring in the adjacent community towards the north and east and toward the proposed Sphere of Influence area.

CEQA DISCUSSION

The proposed project is located on an 86.4 acre parcel within the East Franklin Specific Plan in the southwest area of the plan. The site is located south of Bilby Road and east of the Western Pacific Railroad. The proposed project includes a Prezone to support this annexation, and a Tentative Subdivision Map to create 240 single family lots.

The EFSP was approved by Ordinance SZC 2000-0021 by the Sacramento County Board of Supervisors on May 31, 2000. The EFSP and its accompanying Environmental Impact Report (EFSP EIR) specify anticipated residential, commercial and institutional land uses, vehicle, bicycle and pedestrian circulation patterns and the needed infrastructure and financing systems to support an anticipated new population of over 10,000 residents.

The environmental review was conducted in accordance with Section 15162 of the California Environmental Quality Act, which provides for the preparation of a subsequent Initial Study/Negative Declaration under certain conditions (including changes in the project and further discretionary approval on the project being required).

As a component of the EFSP, compliance with all appropriate conditions and requirements of that plan and all appropriate Mitigation Measures adopted with the EFSP EIR are assumed and hereby incorporated into the project description.

The project will comply with those mitigation measures established in the East Franklin Specific Plan EIR, which includes the agricultural land mitigation. A separate Mitigation Measure and Monitoring Program document will be prepared for the project and recorded in accordance with the City's plan check review process.

The Franklin Crossing project is going through plan check and the Swainson's Hawk/ agricultural land mitigations have not been completed. This will be required prior to the approval of the improvement plans. If the project applicant selects to either 1) pay the City's Swainson's hawk impact mitigation fee or 2) provide replacement habitat (via fee title or easement), based on City policies, this would also count towards the agricultural land mitigation requirements set forth with the East Franklin Specific Plan EIR .

If the project applicant selects to purchase Swainson's Hawk mitigation credits from a mitigation bank, then the project applicant would also need to mitigate for the loss of agricultural lands to comply with adopted City policies.

(Note: These mitigation measures conform to current Commission policy, which is to defer agricultural and open space preservation measures to local land use jurisdictions.)

Public and Agency Comments

Staff has received no public comments.

The proposal was routed to the County of Sacramento and affected agencies, including the Cosumnes Community Services District. The County does not object to the detachment of the area from CSA No.1.

The Cosumnes Community Services District provided the following comments. The CCSD does not oppose this annexation and is providing the following comments in response to your request for comments from Affected Agencies as it pertains to the Sphere of Influence Amendment and Annexation proposal from the City of Elk Grove for the Franklin Crossing project. The CSD provides park, recreation, and fire services within the District's service boundaries. The CSD is also an owner of 0.4 acres of the property proposed for annexation to the City of Elk Grove. The 0.4 acres is a portion of a landscape corridor developed as part of the East-Franklin Specific Plan.

Parks and Recreation Services

The City of Elk Grove and the CSD recently executed an agreement for the development of future park sites. It is anticipated that the larger parcel of 86.1 acres proposed for annexation into the City will be developed, as it relates to park sites, consistent with the provisions of that agreement, that are included in the Memorandum of Understanding and Settlement Agreement Section 2.4.

Fire and Emergency Medical Services

The area is currently served with fire protection services by CSD Fire and this would continue regardless of whether the annexation occurs. However, the impact to fire services becomes more significant as development occurs and demands for services increases.

As development occurs in this and the surrounding area, it will be necessary to place a station that will serve the Franklin Crossing project as well as adjacent development. Until sufficient building generates the need for construction of a permanent facility, a temporary facility will be needed. The CSD Fire impact fee program does not currently include a component for temporary facilities but a fee component for this purpose is under study and likely to be included in the next update of the program. It is anticipated that Franklin Crossing will pay fire impact fees in place at the time of building permit issuance and that the fees will include a component for a temporary facility. The temporary facility will eventually be replaced by a permanent facility when and if sufficient growth generates the service demand for one.

EXECUTIVE OFFICER'S COMMENTS - CONCLUSION

The affected territory is undeveloped, and is part of the 2474+ acre East Franklin Specific Plan, approved by the County of Sacramento on May 31, 2000, prior to incorporation. It is located entirely within the County General Plan Urban Services Boundary, and is currently designated for single family residential development. The 2388+ acre balance of the EFSP is already within the city limit. The proposal was not included in the incorporation proceedings because it was not yet developed and was in the process of obtaining County approval for development. There does not appear to be any significant political, environmental, fiscal or socio-economic issues that are at odds with annexation to the City of Elk Grove.

Annexation to the City of Elk Grove would promote a logical extension of urban services, and facilitate the implementation of the EFSP, including the updated Financing Program, under the auspices of a single land use authority.

Technically, this project could be entitled by the County of Sacramento with minimal public hearings because this area is within the USB and designated in the County General Plan for urbanization. The East Franklin Specific Plan previously approved by the County was transferred to the City of Elk Grove as a condition of incorporation. Nonetheless, it is more appropriate that this development occur within the City of Elk Grove to avoid the creation of an unincorporated island.

Therefore, staff recommends that your Commission adopt the attached Resolutions:

1. Resolution of the Sacramento Local Agency Formation Commission accepting Mitigated Negative Declaration tiered from the Final Environmental Impact Report for the East Franklin Specific Plan – Franklin Crossing Sphere of Influence Amendment and City of Elk Grove Annexation (State Clearinghouse # 1997112030 - LAFC 08-07)
2. Resolution of the Sacramento Local Agency Formation Commission 1) Making Written Determinations for the Municipal Services Review; and 2) Approving the Franklin Crossing Sphere of Influence Amendment, Detachment from CSA No.1 and City of Elk Grove Annexation.(LAFC 08-07)

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

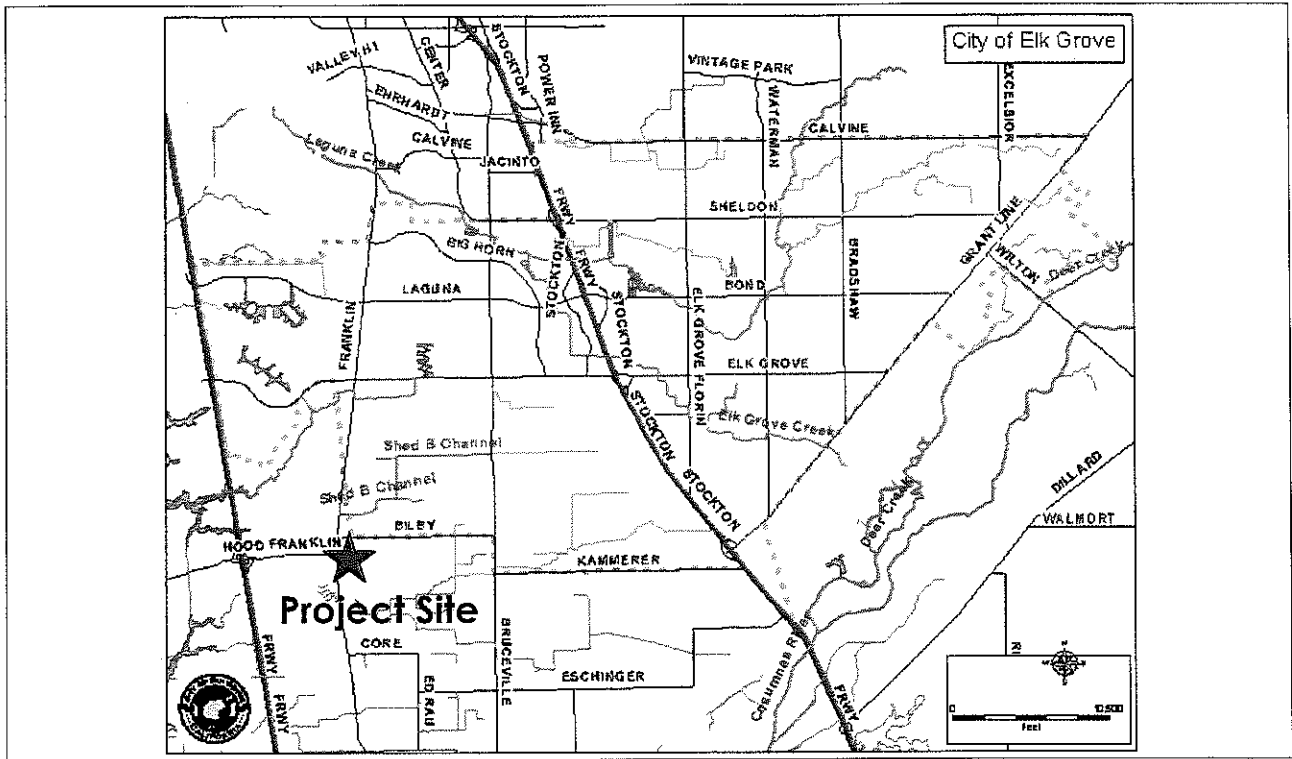
Peter Brundage
Executive Officer

Attachments

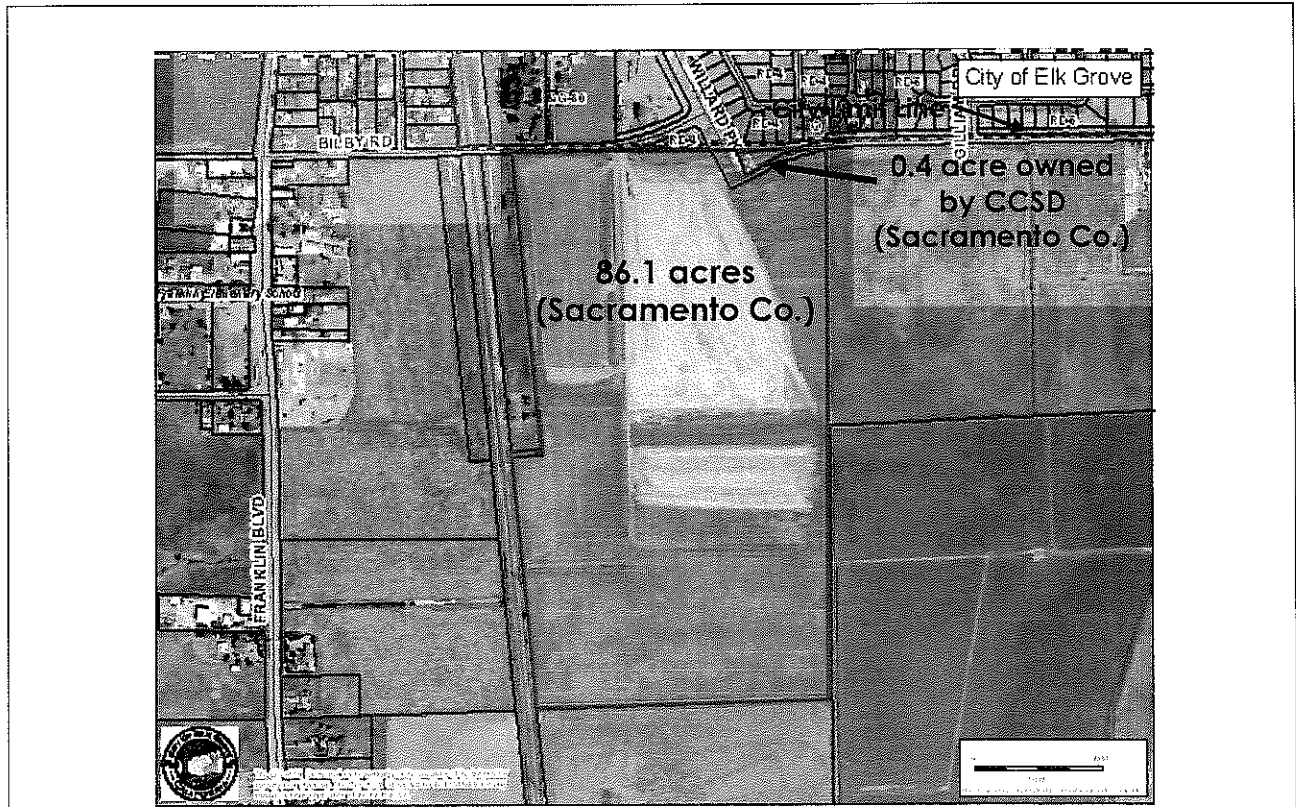
ATTACHMENTS

Exhibit

- A. Vicinity Map
- B. Annexation Area
- C. Arial View
- D. Prezone Exhibit
- E. Property Exchange Agreement
- F. Municipal Services Review (Master Service Element)
- G. Negative Declaration

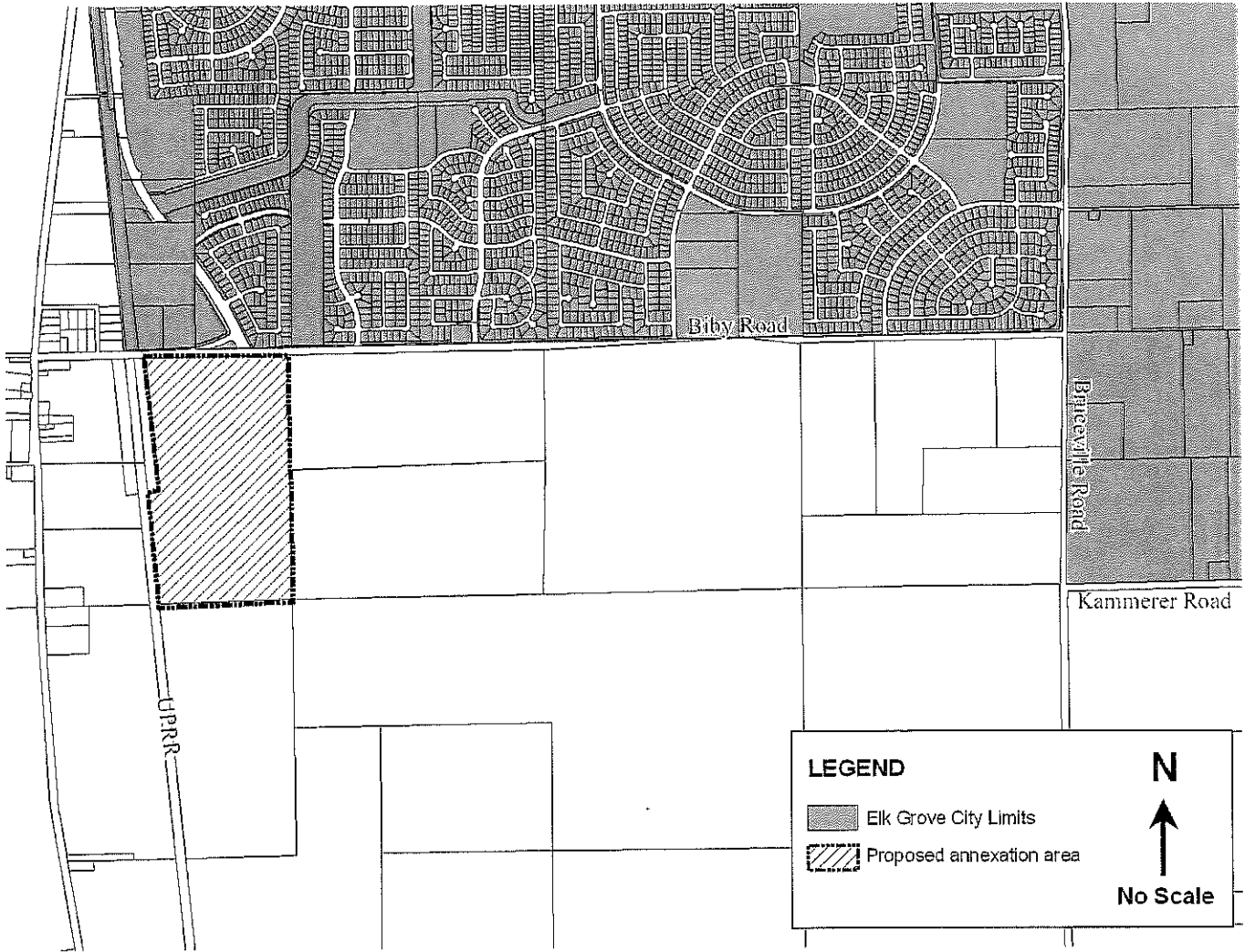


Location Map



Franklin Crossing Annexation Area

Annexation Area in Detail

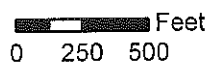




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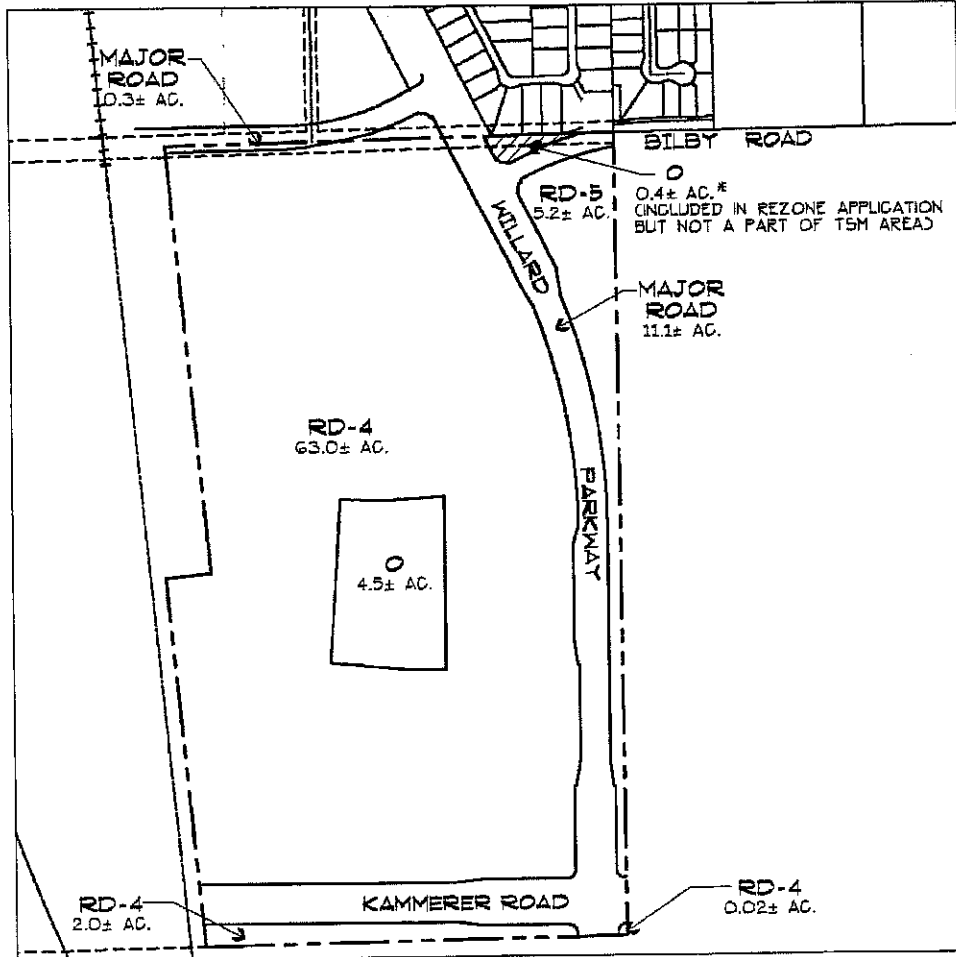


City of Elk Grove
Development Services



EG-04-727
1,000 Feet Buffer

Exhibit D



Ordinance No. 17-2007

COUNTY OF SACRAMENTO
DEPARTMENT OF REVENUE
TAX ACCOUNTS

COUNTY OF SACRAMENTO
AUDITOR CONTROLLER

2006 JUL -6 PM 4:46

2006 JUL -6 PM 3:32

**PROPERTY TAX REVENUE EXCHANGE AGREEMENT
BETWEEN
THE COUNTY OF SACRAMENTO AND THE CITY OF ELK GROVE
RELATING TO THE FRANKLIN CROSSING ANNEXATION**

This PROPERTY TAX EXCHANGE AGREEMENT (hereinafter "Agreement") is made and executed in duplicate this 20th day of June 2006 by and between the COUNTY OF SACRAMENTO, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), and the CITY OF ELK GROVE, a municipal corporation of the State of California (hereinafter referred to as "CITY").

RECITALS

A. On June 6, 1978, the voters of the State of California amended the California Constitution by adding Article XIII A thereto which limited the total amount of property taxes which could be levied on property by local taxing agencies having such property within their territorial jurisdiction to one percent (1%) of full cash value; and

B. Following such constitutional amendment, the California Legislature added Section 99 to the California Revenue and Taxation Code which requires a city seeking to annex property to its incorporated territory and a county affected by such annexation to agree upon an exchange of property taxes which are derived from such property and available to the county and city following annexation of the property to the incorporated territory of the city; and

C. CITY has filed an application with the Sacramento Local Agency Formation Commission requesting its approval of the annexation of approximately 84 acres of real property to CITY ("the Franklin Crossing Annexation"); and

D. COUNTY and CITY wish to work together to develop a fair and equitable approach to the sharing of real property ad valorem taxes imposed and collected as authorized by the Revenue and Taxation Code in order to encourage sound urban development and economic growth; and

E. COUNTY and CITY recognize the importance of COUNTY and CITY's services and are prepared to cooperate as provided in this Agreement in an effort to address COUNTY's and CITY's fiscal considerations in providing such services, as well as their respective economic and planning needs; and

F. Close cooperation between COUNTY and CITY is necessary to maintain and improve the quality of life throughout Sacramento County, including CITY, and deliver needed or desirable services in the most timely and cost-efficient manner to all CITY and COUNTY residents; and

G. COUNTY recognizes the need for orderly growth within and adjacent to CITY, and for supporting appropriate annexations by CITY; and

H. CITY recognizes that development within CITY limits may also have the effect of concentrating sales and use tax revenue-generating activities within CITY rather than in unincorporated areas; and

I. The provisions of Section 99 of the California Revenue and Taxation Code authorize a city and a county to execute a property tax transfer agreement for the exchange of property tax revenues between the county and the city in connection with the annexations of property located in the unincorporated territory of the county to the incorporated territory of the city; and

J. COUNTY and CITY after negotiations have reached an understanding as to a rate of exchange of property tax revenues to be made pursuant to Section 99 of the California Revenue and Taxation Code in connection with the annexation of the Franklin Crossing Annexation Area to CITY; and

K. COUNTY and CITY now desire to enter into a Property Tax Transfer Agreement pursuant to Section 99 of the California Revenue and Taxation Code to set forth such a rate of exchange of property tax revenues; and

L. In consideration of the exchange of property tax revenue provided for in this Agreement, COUNTY agrees not to oppose the Franklin Crossing Annexation before the Sacramento Local Agency Formation Commission.

AGREEMENTS

COUNTY and CITY hereby agree as follows:

Section 1. Property Tax Revenue. "Property Tax Revenue" shall mean revenue from "ad valorem real property taxes on real property", as said term is used in Section 1 of Article 13A of the California Constitution and more particularly defined in subsection (c) of Section 95 of the California Revenue and Taxation Code, that is collected from within the Annexation Area, is available for allocation to the City and the County, and is currently allocated to the County General Fund and County Road fund.

Section 2. Annexation Area. "Annexation Area" shall mean that portion of the unincorporated area of COUNTY known as the Franklin Crossing Annexation, as delineated in Sacramento Local Agency Formation Commission Application Control Number "L AFC 03-06", the annexation of which to CITY is subsequently approved and completed by the Sacramento Local Agency Formation Commission as provided in the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code § 56000 et seq.).

Section 3. Annexation Date. "Annexation Date" shall mean the date specified by the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code § 56000 et seq.) as the effective date of the Franklin Crossing Annexation.

Section 4. General Purpose of Agreement. The general purpose of this Agreement is to devise an equitable exchange of Property Tax Revenue between CITY and COUNTY as required by Section 99.

Section 5. Exchange of Property Tax Revenues. On and after July 1, 2007, the COUNTY and CITY shall exchange Property Tax Revenue as follows:

(a) CITY shall receive 10.48698% of the Property Tax Revenue to be allocated to its General Fund.

(b) COUNTY shall receive all of the Property Tax Revenue remaining after the allocation of the City's share as set forth in subdivision (a) of this section to be allocated to the County General Fund.

Section 6. Exchange by County Auditor. COUNTY and CITY further agree that all of the exchanges of property taxes required by this Agreement shall be made by the County Auditor.

Section 7. Mutual Defense of Agreement. If the validity of this Agreement is challenged in any legal action by a party other than COUNTY or CITY, then COUNTY and

CITY agree to defend jointly against the legal challenge and to share equally any award of costs, including attorneys fees, against COUNTY, CITY, or both.

Section 8. Waiver of Retroactive Recovery. If the validity of this Agreement is challenged in any legal action brought by either CITY or any third party, CITY hereby waives any right to the retroactive recovery of any City Property Tax Revenues exchanged pursuant to this Agreement prior to the date on which such legal action is filed in a court of competent jurisdiction. The remedy available in any such legal action shall be limited to a prospective invalidation of the Agreement.

Section 9. Modification. The provision of this Agreement and all of the covenants and conditions set forth herein may be modified or amended only by a writing duly authorized and executed by both the COUNTY and CITY.

Section 10. Reformation. COUNTY and CITY understand and agree that this Agreement is based upon existing law, and that such law may be substantially amended in the future. In the event of an amendment of state law which renders this Agreement invalid or inoperable or which denies any party thereto the full benefit of this Agreement as set forth herein, in whole or in part, then COUNTY and CITY agree to renegotiate the Agreement in good faith.

Section 11. Effect of Tax Exchange Agreement. This Agreement shall be applicable solely to the Franklin Crossing Annexation and does not constitute either a master tax sharing agreement or an agreement on property tax exchanges which may be required for any other annexation to the CITY, nor does it alter or enlarge any revenue sharing obligations of the City by way of incorporation on July 1, 2000.

Section 12. Entire Agreement. With respect to the subject matter hereof only, this Agreement supersedes any and all previous negotiations, proposals, commitments, writings, and understandings of any nature whatsoever between COUNTY and CITY except as otherwise provided herein.

Section 13. Notices. All notices, requests, certifications or other correspondence required to be provided by the parties to this Agreement shall be in writing and shall be personally delivered or delivered by first class mail to the respective parties at the following addresses:

<u>COUNTY</u>	<u>CITY</u>
County Executive	City Manager
County of Sacramento	City of Elk Grove
County Administration Bldg.	City Hall
700 H Street, Room 7650	8380 Laguna Palms Way
Sacramento, CA 95814	Elk Grove, CA 95758

Notice by personal delivery shall be effective immediately upon delivery. Notice by mail shall be effective upon receipt or three days after mailing, whichever is earlier.

Section 14. Approval, Consent, and Agreement. Wherever this Agreement requires a party's approval, consent, or agreement, the party shall make its decision to give or withhold such approval, consent or agreement in good faith, and shall not withhold such approval, consent or agreement unreasonably or without good cause.

Section 15. Construction of Captions. Captions of the sections of this Agreement are for convenience and reference only. The words in the captions in no way explain, modify, amplify, or interpret this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in the county of Sacramento, State of California, on the dates set forth above.

COUNTY OF SACRAMENTO, a political
Subdivision of the State of California
("COUNTY")



ATTEST:

Cedric H. Turner
Clerk of the Board of Supervisors

By Roberta MacKinnon
Chairperson of the Board of Supervisors
of Sacramento County, California

Approved As to Form:

John F. Whit
County Counsel



(SEAL)

ATTEST:

Karen Hillman
Deputy City Clerk

CITY OF ELK GROVE, a municipal
corporation ("CITY")

By: Stephen S. ...
Mayor

Approved As to Form:

[Signature]
City Attorney

Franklin Crossing Master Service Element

Originally Submitted
July 11, 2007

Revised
December 19, 2007

I. INTRODUCTION / BACKGROUND

A. Statutory Basis – Sphere of Influence and Annexation

The Local Agency Formation Commission (LAFCo) is a state-mandated entity, established for each county in the State and is independent of local county, city, or district governmental jurisdictions (Government Code Section 56001 and 56300.) The purposes of LAFCo are contained in the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, and include the following:

- Discourage urban sprawl;
- Encourage orderly formation and development of local governmental agencies, based on local conditions and circumstances;
- Initiate and make studies of governmental agencies;
- Adopt Sphere of influence for each local governmental agency

The powers of LAFCo include reviewing and approving or disapproving proposals with or without amendment, wholly, partially, or conditionally, the annexation of territory to cities. Sacramento LAFCo must approve all annexations, incorporations, and other "changes of organizations" within Sacramento County.

Amended May 4, 1993, the Policies, Standards and Procedures for Sacramento LAFCo (PSP), establishes the requirements for the preparation of a Master Services Element (MSE) (Chapter V, section H). A MSE is prepared when land is proposed for annexation¹ into a jurisdiction's Sphere of Influence (SOI)², and describes how services will be provided by that jurisdiction, the level of services, and the delivery of services.

Sacramento LAFCo will use this MSE in evaluating:

- The annexation of approximately 86 acres (Franklin Crossing) into the City's SOI.

B. City of Elk Grove's Sphere of Influence

During its incorporation process in 2000, the Sacramento LAFCo conditioned the City of Elk Grove to prepare and submit an application to establish a SOI within 120 days following incorporation. Specifically, LAFCO Resolution No. 1207 in Section 9, Paragraph "e" reads as follows:

"Pursuant to Government Code Section 56426.5, the City of Elk Grove shall submit within one hundred (120) days after an incorporation, an application to the Commission {LAFCO} proposing a Sphere of Influence for the city. This City should consider including territory which is generally south of the Sacramento City Limits, west of the Union Pacific railroad lines, east of Interstate 5 and north of Elk Grove Boulevard; and the territory which is south of Grant Line Road, east of Highway 99, and generally north of the Cosumnes River. In the event application is not submitted, LAFCO may, pursuant to law, initiate such proceedings."

¹ Definition: Annexation- the inclusion, attachment, or addition of territory to a city or district.

² Definition: Sphere of Influence- the probable physical boundaries and services area of a city or special district.

The City submitted its application as required by this condition (October, 2000) and the SOI did not receive approval by the LAFCo. Effective December 2003, LAFCo established a SOI contiguous with the City limits and simultaneously annexed approximately 2,128 acres (Laguna West) into the City.

The General Plan identifies two study areas (collectively the Urban Study Area) that are envisioned as areas in which urbanization, to some extent, could occur (**Figure 1**). The General Plan does not identify a formal land plan for these areas, but lays out policies to guide the study of future development in cooperation with the public and other agencies and parties. The present application includes annexing approximately 86 acres of land into the existing City SOI and City limits. (See **Figure 2**)

Figure 1: Elk Grove City Limits/Sphere Of Influence

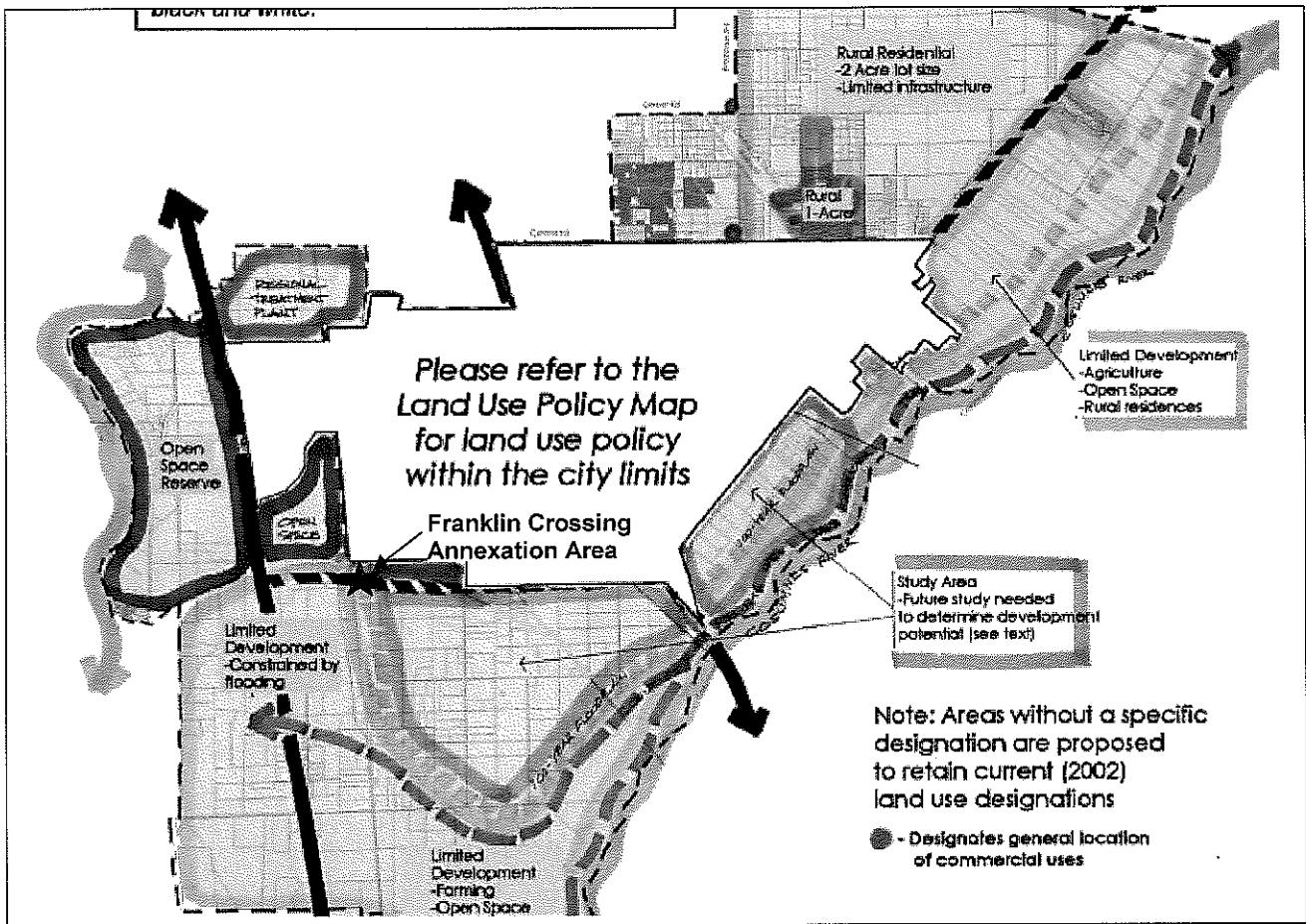
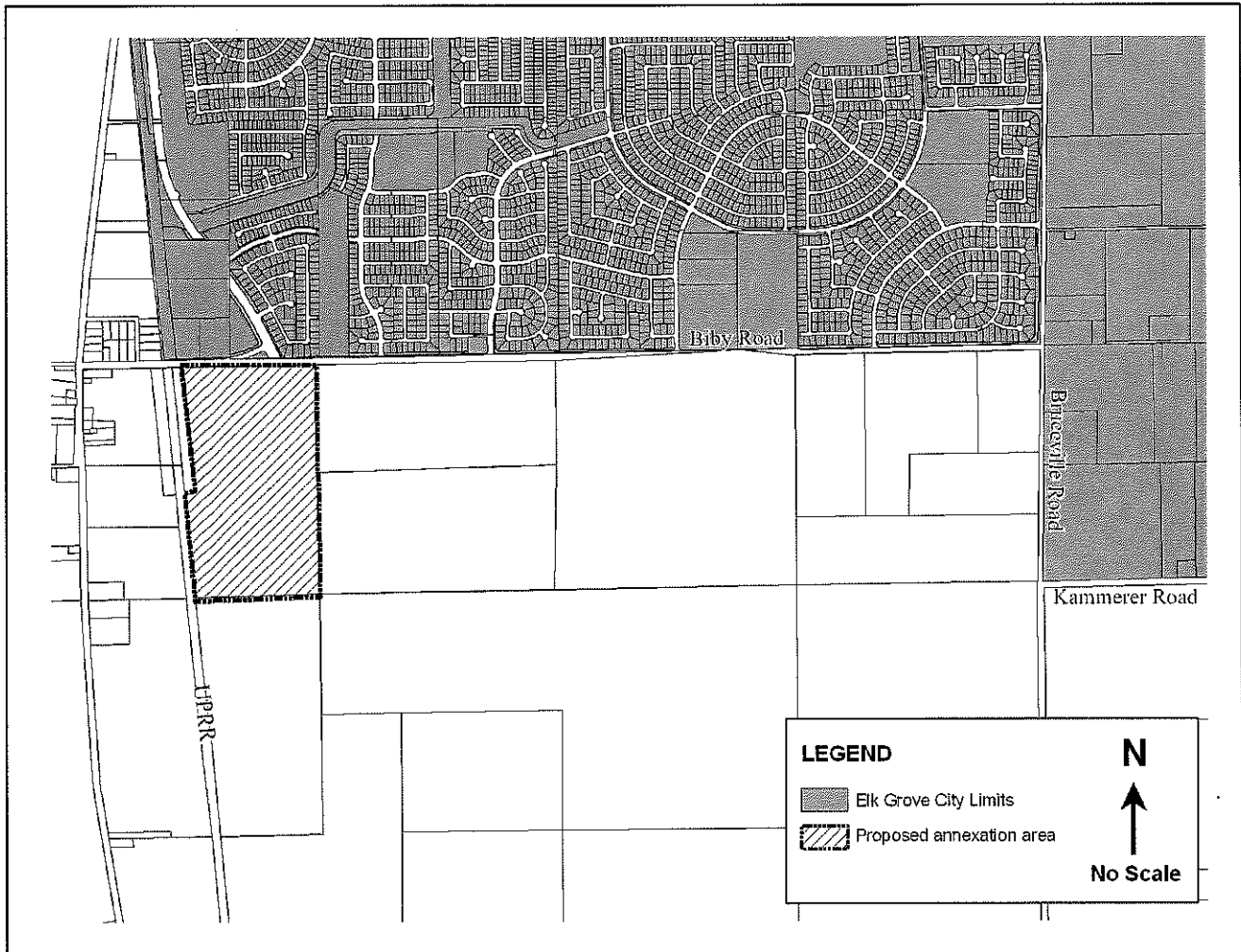


Figure 2: Annexation Area in Detail



II. City of Elk Grove Land Use Policies

Land Use Policy LU-12 through LU-16 and LU-24 through LU-27 1 address lands outside the incorporated area of Elk Grove. LU-24 through LU-27 specifically address policies related to the East Franklin Specific Plan area, which includes the proposed annexation area.

LU-12 The Land Use Policy Map for the Planning Area (Figure LU-2) provides conceptual land use policy for the area outside the current incorporated boundaries of Elk Grove. This policy is intended as a statement of the City's long-term vision for this area; these lands remain under the jurisdiction of Sacramento County. Except for where specifically indicated, the City's land use policy for areas outside the city limits reflects the County of Sacramento's land use policy as it existed on December 31, 2002.

LU-12-Action 1 Following the annexation of any area within the Planning Area to the City of Elk Grove, initiate any planning process necessary to implement the land uses shown in the Land Use Policy Map for the Planning Area.

LU-13 The City will work with the Sacramento Local Agency Formation Commission to establish and update a Sphere of Influence, which reflects the City's near-term goals for potential annexations to the corporate boundaries

LU-14 The City shall apply the following policies to potential annexations:

- Annexations should conform to an orderly expansion of city boundaries within planned urban growth areas and provide for a contiguous development pattern;
- Annexations should include a comprehensive land use plan for the affected territory, including Pre-zoning and a plan for infrastructure financing and phasing;
- Annexations should;
 - Constitute fiscally sound additions to the existing City.
 - Be consistent with State law and Local Agency Formation Commission policies, standards and criteria.
 - Preserve neighborhood identities.
 - Ensure the provision of adequate municipal services.
 - Be consistent with General Plan and Community Plan land use policies.
 - Incorporate Smart Growth criteria for sustainable economic growth while maintaining environmental integrity, and providing for social equity.
 - Promote fiscally sound, efficient service boundaries

LU-15 The City shall encourage annexations initiated by landowner/residents, which are consistent with the Cities policies.

LU-16 The areas designated in the Planning Area as "Urban Study Areas" are envisioned as areas in which urbanizations to some extent could occur, generally in compliance with the following criteria:

- Development should be limited to areas outside of the 100-year floodplain.
- Development should take place in compliance with the goals and policies of this General Plan.
- Any study of potential land uses in these areas should be accomplished in cooperation with the County of Sacramento, the Sacramento Local Agency Formation Commission, and other agencies and parties with ownership or jurisdiction of lands in and near the study area.
- Any study of land uses in these areas should be accompanied by an environmental evaluation of the potential impacts of development.
- Prior to the completion of land use studies, the City's policy is that County of Sacramento land use designations in effect as of December 31, 2002, are retained

LU-16-Action 1 Work with the County of Sacramento to establish and implement a program to study the potential for these areas to support urban development.

LU-24 Land uses in the "East Franklin Policy Area" shall generally conform with the uses shown on page 136 of the City General Plan (Figure LU-4).

LU-25 The East Franklin Specific Plan shall designate a minimum of 64 net acres of land for development of high-density residential development.

LU-25 Action 1 Amend the East Franklin Specific Plan to conform with the requirements of this Policy.

LU-26 Development in the East Franklin Policy Area shall take place in accordance with the East Franklin Specific Plan.

LU-27 The East Franklin Specific Plan and any related implementation plans (including, but not limited to, capital facilities plans, public facilities financing plans, etc.) shall be consistent with this General Plan and shall be used to implement the land use and other policies of this General Plan

These policies are meant to direct land use in areas that could ultimately be annexed and ensure adequate service will be available to serve development.

The area proposed for annexation is predominantly agricultural land. The City of Elk Grove has pre-zoned the land for Low Density Residential (RD-4 &5) and Open Space (O), which is consistent with the Sacramento County General Plan and the City's General Plan.

III. LEVEL OF DETAIL IN THIS MASTER SERVICES ELEMENT

As a part of this SOI change application process, the City of Elk Grove is required to prepare this Master Services Element (MSE).

Sacramento LAFCo approved the annexation of Laguna West in December 2003. The proposed annexation involved 2,128 acres; 680 of which were undeveloped. The MSE focused on the existing service providers for the proposed SOI areas and identified any changes in service providers that would occur in association with the annexation of Laguna West. The Laguna West MSE did not address levels of service standards, service demands, provision of services, fees, etc.

This MSE analyses any changes in existing service providers that would occur in association with annexing approximately 86 acres into the City SOI. Most agencies currently serving the area will continue to provide services after annexation. In accordance with direction from Sacramento LAFCo, following the format and style of the Laguna West MSE, this MSE addresses the changes associated with changes in service provisions in a succinct and refined manner.

IV. DESCRIPTION OF SPHERE OF INFLUENCE

A. Location

Franklin Crossing is described below and illustrated in **Figure 2**. A legal description of the area proposed for annexation is provided in Appendix A of this MSE. The proposed annexation area is located at the corner of Bilby Road and the Union Pacific Railroad tracks.

B. Existing Land Use

As described above, the land use in the proposed annexation area consist of agricultural land. Currently, a residential subdivision is proposed within Franklin Crossing.

C. Government Jurisdictions

Franklin Crossing currently falls within the Sacramento County's Urban Services Boundary. Annexation would result in the expansion of the City's SOI and incorporation of land into the city limits.

D. SOI and Annexation Area - Surrounding Land Use and Conditions

Surrounding land uses within the existing City Limits include Estate Residential and Low Density Residential designations.

IV. SERVICE PROVIDERS FOR PROPOSED FRANKLIN CROSSING ANNEXATION AREA

This section describes the service providers for the proposed annexation. Franklin Crossing is adjacent to an area with existing or planned infrastructure at varying levels.

Upon annexation to Elk Grove, facilities and public services for Franklin Crossing would change only in terms of jurisdiction as it relates to government services. This is shown in **Table 1** and described briefly below.

**TABLE 1
SUMMARY OF SERVICES AND SERVICE PROVIDERS FOR URBAN STUDY AREA 3 (INCLUDES FRANKLIN CROSSING)**

Service	Current Service Provider	Provider for Annexed Area
	Government Services	
Building and Safety	County's Building Inspection Division	City of Elk Grove Building/Inspection Department
Engineering	County Public Works Department	City of Elk Grove Public Works Department
General Government	County Board of Supervisors	Elk Grove City Council
Planning and Land Use Control	County Department of Planning and Community Development	City of Elk Grove Planning Division
Public Works, Construction and Maintenance	County Public Works Department	City of Elk Grove Public Works Department
	Non-Government Services	
Animal Control	Sacramento County Animal Care and Regulation Department	City of Elk Grove Animal Care Services Department
Cellular Phone Service	Various private providers	Various private providers
Electrical Service	Sacramento Municipal Utility District	Sacramento Municipal Utility District
Fire Protection	Cosumnes Community Services District	Cosumnes Community Services District
Flood Control	County Department of Water Resources	City of Elk Grove Public Works

**TABLE 1 (CONTINUED)
SUMMARY OF SERVICES AND SERVICE PROVIDERS FOR URBAN STUDY AREA 3 (INCLUDES FRANKLIN CROSSING ANNEXATION)**

Garbage Service	Waste Management, Inc.	BFI
Law Enforcement	County Sheriff	City of Elk Grove Police Department
Libraries	Sacramento Public Library Authority	Sacramento Public Library Authority
Natural Gas	Pacific Gas and Electric Company	Pacific Gas and Electric Company
Parks and Recreation	Cosumnes Community Services District and Sacramento County Department of Regional Parks, Recreation and Open Space	Cosumnes Community Services District and Sacramento County Department of Regional Parks, Recreation and Open Space
Schools	Elk Grove Unified School District	Elk Grove Unified School District
Sewer Service	County Sanitation District 1 (CSD-1)	County Sanitation District 1 (CSD-1)
Telephone Service	Frontier Communications and Surewest Communications	Frontier Communications and Surewest Communications
Television and Cable	Wireless Broadcasting System of Sacramento (WBS) and AT & T Broadband	Wireless Broadcasting System of Sacramento (WBS) and AT & T Broadband
Transit Service	Regional Transit	City of Elk Grove
Water	Various Districts	Elk Grove Water Service

A. Animal Control

Animal control services are provided by the Sacramento County Animal Care and Regulation Department. The Department operates the county animal shelter; issues dog and cat licenses; provides 24-hour field services for pick-up of stray, injured or dead animals; provides low-cost rabies vaccination clinics; notifies owners of impounded licensed animals; and enforces state, federal and local animal control laws in the unincorporated area of the county.

Summary of Changes: A change in service providers would occur in association with annexation. The proposed Franklin Crossing annexation area would receive animal control services from the City of Elk Grove through its own Animal Control Department. The Department currently employs two field officers and is responsible for a number of services including animal licensing, investigating complaints, and picking up stray animals. The Animal Control Department's existing facility is run by the Sacramento Society for the Prevention of Cruelty to Animals under the terms of a public-private partnership. Most of the Department's funding is obtained through the City's General Fund. Only a very small percentage of revenue as compared to expenditures, is obtained through animal licensing and impound fees. Build out of Franklin Crossing, in accordance with the existing pre-zoning, may result in a strain on the Department's ability to continue the existing level of service currently provided within the City limits.

B. Electrical Services

The Sacramento Municipal Utilities District (SMUD) provides electrical service to the City of Elk Grove and surrounding areas. SMUD service area covers nearly 900 square miles and serves more than 500,000 residential and commercial customers. SMUD's service territory is divided into four areas (A-D). The City of Elk Grove General Plan Planning Area is located within Area "D". Area "D" makes up approximately 67% of SMUD's territory, with nearly 91,000 customers. SMUD divides Area "D" into the North Region, the Mid Region and the South Region. The Mid Region is comprised of Elk Grove, Laguna and South Sacramento. The existing electric facilities within area "D" include 69-kV transmission lines, 12- to 69-kV transmission lines and bulk and distribution substations at various locations throughout Elk Grove and the surrounding area. There are also two 230-kV transmission lines and one 115-kV tower line within Elk Grove that are owned and operated by PG&E; however, these lines do not provide electricity to the city.

Summary of Changes: Following annexation, Franklin Crossing would continue to be served by electrical service from SMUD. Therefore, no change in provision of electrical service would occur in association with the annexation.

C. Fire Protection

The area is currently served with fire protection services by Cosumnes Community Services District (CSD) Fire Department. The CSD has the responsibility for structural fire protection, wildland fire suppression and emergency medical services within the city limits of Elk Grove, as well as the SOL. This will continue regardless of whether the annexation occurs. The impact to fire services becomes more significant as development occurs and demands for services increase. The CSD maintains an extensive system of fire stations throughout Elk Grove and Galt and a portion outside the city limits. There are a total of eight fire stations - six of which are in Elk Grove. All six of

these stations provide paramedic services as well as fire suppression. Three of the six fire stations have ambulances that provide 911 transport services. During a standard shift there are a total of 32 personnel assigned to the six stations including a battalion chief, plus five personnel that float between the six stations as needed. Standard equipment includes pumpers, ambulances, and an aerial ladder truck. There is a four-acre facility on East Stockton Boulevard that serves as a training facility, consisting of a five-story training and burn tower, indoor classrooms, flammable gas simulator trainers, confined space rescue simulator and many other state-of-the-art training props. Next to the Training Center, there is a large fleet maintenance facility. The Fire Department has a total of 184 full-time employees. 144 are assigned to the "line" and the additional 40 employees serve in the various divisions of the department - Fire Prevention, EMS, Training, Logistics, Fleet, and Administration. There are two part-time employees. Dispatch services are provided through a regional service in Sacramento County. The CSD uses the Sacramento County Hazmat Response Plan.

As development occurs in Franklin Crossing annexation area and in the surrounding areas, it will be necessary to place a station that will serve these areas. Until sufficient building generates the need for construction of a permanent facility, a temporary facility will be needed. The CSD Fire impact fee program does not currently include a component for temporary facilities, but a fee component for this purpose is under study and likely to be included in the next update of the program. It is anticipated that Franklin Crossing will pay fire impact fees in place at the time of building permit issuance and that the fees will include a component for a temporary facility. The temporary facility will eventually be replaced by a permanent facility when, and if, sufficient growth generates the service demand for one.

Fire protection services in Elk Grove are provided by the Cosumnes Community Services District (CCSD). The CCSD has the responsibility for structural fire protection, wildland fire suppression and emergency medical services within the city limits of Elk Grove as well as the SOI.

Summary of Changes: Following annexation, Franklin Crossing would also continue to be served by fire protection from the CSD. No change in provision of service would occur in association with the annexation.

D. Flood Control

The Sacramento County Department of Water Resources is responsible for stormwater management within the County. This Department was formed to manage the County's surface water and groundwater resources using the powers of the County of Sacramento and the Sacramento County Water Agency (SCWA). SCWA administers Zone 11A and Zone 13 fee collection and distribution. Zone 11A is a regional drainage development fee zone that funds the construction of new trunk drainage facilities with fees collected from development projects within the new urbanized portion of southern Sacramento County, the City of Elk Grove and the City of Rancho Cordova. Zone 13 is a regional benefit assessment district with funds collected on annual property bills and is used to fund long range water supply and flood control planning efforts. Zone 13 encompasses the entirety of the County of Sacramento and the Cities of Elk Grove, Citrus Heights and Rancho Cordova.

Summary of Changes: Following annexation, the City of Elk Grove Public Works Department would take over management of flood control responsibilities and

infrastructure in Franklin Crossing. Current infrastructure includes minor road side ditches and cross-culverts. The City would collect all existing and future stormwater fees charged to existing and future residents in the potential annexation area. A change in the service provider would occur in association with the annexation. Zone 11A and Zone 13 fee zone will still apply to Franklin Crossing after annexation.

E. Garbage Service

Waste Management Inc. currently serves the unincorporated areas in Sacramento County.

Kiefer Landfill is the primary municipal solid waste disposal facility in Sacramento County. Currently, there are two facilities in Sacramento County that accept household hazardous waste. One is the Sacramento Recycling and Transfer Station in Sacramento. The other is the North Area Recovery Station in North Highlands. Currently, the Kiefer Road landfill is operating below permitted capacity and will have capacity for the next 30 years based on current disposal rates.

Summary of Changes: The City of Elk Grove has an exclusive franchise agreement with Allied Waste for residential customers. Allied Waste utilizes a transfer station at Elder Creek; waste is then transferred to Forward Landfill, located in San Joaquin County. Following annexation, Franklin Crossing, would be served by Allied Waste. A change in service providers would occur in association with this annexation

F. Law Enforcement

The proposed annexation area currently falls within the County's service area and is served by the County of Sacramento Sheriff's Department.

Summary of Changes: Following annexation, Franklin Crossing would be served by the City of Elk Grove Police Department. Therefore a change in service providers would occur in association with the annexation.

On June 26, 2006 City of Elk Grove Police Department was established as an independent law enforcement agency and no contracts with the County Sheriff's Department. As of November 2007, the City Police Department has a staff of 128 sworn officers and 68 non-sworn management, administrative and technical positions.

The City Police Department's main source of revenue comes from City's General Fund. The Police Department also has two financing mechanisms to address future needs for the Department; a Police CFD and Development Fee. This area would assist in the financing the needs of equipment, vehicles, and personnel through these financing mechanisms.

There are no adopted standards relative to sworn police officers per population amounts. However, the department strives to maintain a minimum ratio of 1 officer per 1,000 residents in the community, with a desire to reach the 1.3 officers per thousand as stated in the General Plan. Likewise, the Police Department's goal is to maintain an average response time for priority one calls for service of five minutes or less.

Assuming buildout of the proposed annexation area takes place in accordance with the proposed "Franklin Crossing" tentative map and supports approximately 700 new residents, the City Police Department should be able to extend services without significant strain on the City's level of service.

G. Libraries

Library service in the City of Elk Grove and surrounding unincorporated areas of the county is provided by the Sacramento Public Library. The system currently has 27 branches located throughout Sacramento County including the Franklin Community Library at 10055 Franklin High Road

Summary of Changes: Following annexation, Franklin Crossing would continue to be served by library service from the Sacramento Public Library. No change in provision of service would occur in association with the annexation.

H. NATURAL GAS

Natural gas for Sacramento County and the City of Elk Grove is provided by the Pacific Gas and Electric Company (PG &E). The existing facilities in the Elk Grove consist of 4 ½-inch to 16-inch pipelines delivering service to all customers that are not served by private propane tanks. All construction and maintenance activities for natural gas facilities are the responsibility of PG & E.

Summary of Changes: Following annexation, Franklin Crossing would continue to receive natural gas service from PG&E. No change in provision of service would occur in association with the annexation.

I. Parks and Recreation

The Cosumnes Community Services District (CSD) Department of Parks and Recreation provides parks, open space, trails, recreation facilities, and recreation programs to the City of Elk Grove and Laguna West. Elk Grove is home to an extensive system of public parks and recreation programs. The Department of Parks and Recreation has experienced substantial growth increasing from six parks in 1983 to 77 parks in 2007. In addition, 4 parks are under construction and 12 parks are in the design phase.

In addition, the CSD operates Elk Grove Regional Park through a long-term lease agreement with the Sacramento County Department of Regional Parks, Recreation and Open Space.

Summary of Changes: Following annexation, Franklin Crossing would continue to be served by park services from the CSD. No change in service would occur in association with the annexation.

J. Schools

The EGUSD was formed in 1961 and covers 320 square miles. The boundaries of the present EGUSD cover most of south Sacramento County. The northern part of the EGUSD includes a large portion of the City of Sacramento as well as the growing suburban area

of Rancho Cordova. The EGUSD is bisected from east to west by the Cosumnes River and north to south by Highway 99 and Interstate 5. The EGUSD currently includes 39 elementary schools, 8 middle schools, 13 high schools and 21 continuation schools. Most of the EGUSD elementary and middle schools are on a year-round schedule, where students attend school for three months and are off for one month. All high schools are on a traditional schedule.

Franklin Crossing would be served by the schools listed in **Table 2**.

TABLE 2
SCHOOLS SERVING AREA 4 – FRANKLIN CROSSING ANNEXATION AREA

School	Location
Elementary Schools	
Franklin	4011 Hood-Franklin Rd.
Carrol (new school opening 2006)	10325 Stathos Drive
Middle Schools	
Toby Johnson	10099 Franklin High Road
High School	
Franklin High School	6400 Poppy Ridge Road

Summary of Changes: Following annexation, Franklin Crossing would continue to be served by the EGUSD. No change in provision of service would occur in association with the annexation.

K. SEWER SERVICE

The Sacramento County Sanitation District 1 (CSD-1) provides local wastewater conveyance to the City of Elk Grove and surrounding unincorporated areas. The main CSD-1 collection system includes over 2,500 miles of sewer pipelines ranging in size from 3 to 60 inches in diameter. Elk Grove sewer collection system includes trunks (designed to carry flows from 1 – 10 mgd) and collector lines (designed to carry flows less than 1 mgd), and a number of pump stations. The CSD-1 facilities collect and transport wastewater into SRCSD's interceptor system (designed to carry flows more than 10 mgd). Flows from the SRCSD interceptor systems are then routed to the Sacramento Regional Wastewater Treatment Plant (SRWTP), located in Elk Grove, for treatment and disposal. The SRWTP located at 8521 Laguna Station Road is permitted to treat an average dry weather flow of 181 million gallons per day (mgd) and a daily peak wet weather flow of 392 mgd. The SRWTP currently receives and treats an average dry weather flow of approximately 165 mgd. Treated effluent from the SRWTP is ultimately discharged into the Sacramento River, near the unincorporated town of Freeport, in Sacramento County.

The SRCSD and CSD-1 Board of Directors have approved the current Sacramento Sewerage Expansion Master Plan (Master Plan) for both districts. The Master Plan considers wastewater generation associated with projected land use buildout scenarios. The Master Plan is updated every five years to incorporate revised land use plans and projections. The projections are based on Sacramento County General Plan and local jurisdictions land use projections (i.e., City of Elk Grove, City of Folsom etc.) within the Urban Services Boundary through 2020. The Master Plan also identified improvements and modifications needed to ensure sufficient capacity in both conveyance and treatment facilities.

Summary of Changes: Following Annexation, Franklin Crossing would continue to be served by wastewater service from CSD-1 and SRCSD. No change in provision of service would occur in association with the annexation.

L. Telephone Service

Telephone service in Elk Grove and surrounding unincorporated areas is provided by Frontier Communications (formerly Citizens Communications) and SureWest. Frontier Communications is located at 8920 Emerald Park Drive in Elk Grove. Frontier is an Internet Service Provider (ISP) in addition to providing conventional telephone service. Frontier Communications serves approximately 84,000 customers, including the town of Wilton and portions of the San Joaquin Delta (Garcia, September 2002). Surewest provides telephone service to homes and businesses that are outside of Frontier Communications service boundaries.

Summary of Changes: Following annexation, Franklin Crossing would continue to be served by telephone service from Frontier Communications and SureWest. No change in provision of service would occur in association with the annexation.

M. Television and Cable

Television and cable service, for the City of Elk Grove and surrounding unincorporated areas is provided by Wireless Broadcasting system of Sacramento (WBS), and AT&T Broadband (formerly Comcast Cable).

Summary of Changes: Following annexation, Franklin Crossing would continue to be served by television and cable service from WBS and AT&T Broadband. No change in provision of service would occur in association with the annexation.

N. Transit Service

The City of Elk Grove operates the *e-tran* bus system which covers the City. Routes are coordinated with Sacramento RT buses and light rail and South County Transit/Link (SCT/Link), to areas outside the city. Major transfer points are at the Cosumnes River College, Meadowview Light Rail Station and Laguna Town Hall. Services are funded with Transportation Development Act (TDA) funds.

e-tran lines 301 (Stonelake) and 302 (Stonelake/Poppy Ridge) run just north of the potential annexation area.

Summary of Changes: Following annexation, Franklin Crossing would continue to be served by the City's *e-tran* system. No change in provision of service would occur in association with the annexation.

O. Water Service

Water service in the City of Elk Grove is provided by the Sacramento County Water Agency (SCWA) and Elk Grove Water Service (EGWW).

The City of Elk Grove and surrounding areas fall within the Zone 40 Groundwater Management Zone, which was formed for fee collection to compensate for the construction of water facilities and the distribution system within the zone. Water is supplied to Zone 40 from a variety of different sources including groundwater, surface water, and reclaimed water. Groundwater is pumped from the Central Basin, surface water is provided by the American and Sacramento Rivers, and reclaimed water is tertiary treated wastewater for non-potable indoor and outdoor purposes. Zone 40 encompasses nearly 25,440 acres within its zone boundaries.

In addition to Zone 40, the City of Elk Grove is within Zones 11A and 13, which provides funding for the construction of major drainage facilities (revenues collected at the time of development), and funding for studies related to water supply, drainage and flood control (revenues are collected as benefit assessments on real property), respectively.

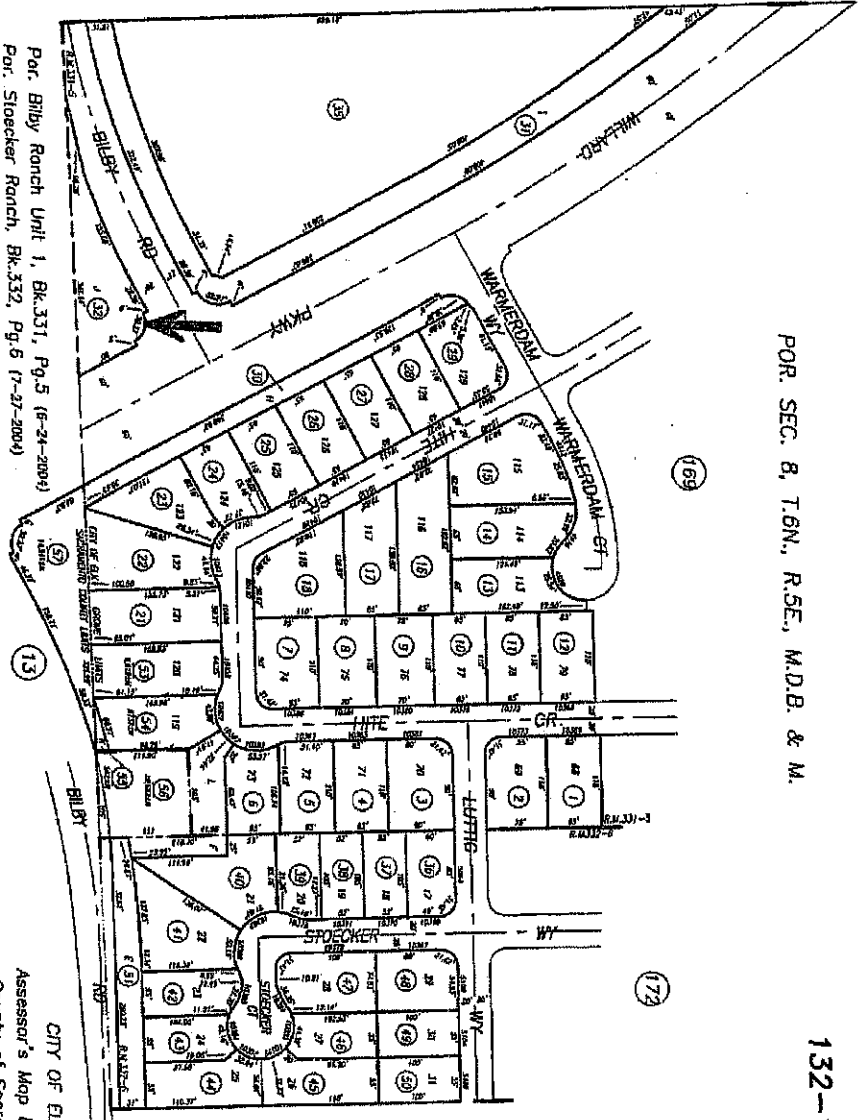
Summary of Changes: Following annexation, Franklin Crossing would continue to be served by water service from Sacramento County Water Agency's (SCWA) Zone 40 and a funding contributor to Zones 11A and 13. No change in provision of service would occur in association with the annexation. In addition, no service will be required by the Florin Resource Conservation District.

Appendix A:
Legal Description for
Franklin Crossing
Annexation Area

Legal Description for 132-0132-042

POR. SEC. 8, T.6N., R.5E., M.D.B. & M.

132-168



Par. Billy Ranch Unit 1, Bk. 331, Pg. 5 (6-24-2004)
 Par. Staecker Ranch, Bk. 332, Pg. 6 (7-27-2004)

CITY OF ELK GROVE
 Assessor's Map Bk. 132 Pg. 168
 County of Sacramento, Calif.
 JAN 0 3 2006

IMPORTANT: This plat is not a survey. It is merely furnished as a convenience to locate the land in relation to adjoining streets and other lands and not to guarantee any dimensions, distances, bearings, or acreage.

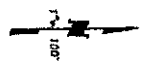


Exhibit "A"
Legal Description

All that certain real property, situated in the County of Sacramento, State of California, described as follows:

All of said Lands of Stathos described in Book 20021213 at Page 1546, Official Records of Sacramento County and in Book 20021213 at Page 1547, Official Records of Sacramento County.

Excepting therefrom:

That portion of the Lands of Stathos described as "Transfer Parcel A" and more particularly described as follows:

Beginning at a point situate on the North Line of the Northeast One-Quarter of said Section 17, from which a found nail and shiner accepted as the Northeast corner of said Section 17 as shown on that certain Final Map entitled "Bilby Ranch Unit 1" filed for record in Book 331 of Maps at Page 5, Sacramento County Records bears North 88°38'55" East a distance of 99.18 feet; thence from said point of beginning, leaving said North line of the Northeast one-quarter of said Section 17, from a radial line which bears North 13°06'13" West, 59.33 feet along the arc of a non-tangent 650.00 foot radius curve to the left through a central angle of 05°13'48" to a point of compound curvature; thence 158.71 feet along the arc of a tangent 1036.00 foot radius curve to the left through a central angle of 08°46'38"; thence South 62°53'22" West a distance of 46.37 feet; thence North 27°06'38" West a distance of 6.00 feet to a point of curvature; thence from a radial line which bears South 27°06'38" East, 39.27 feet along the arc of a non-tangent 25.00 foot radius curve to the right through a central angle of 90°00'00"; thence South 62°53'22" West a distance of 6.00 feet; thence North 27°06'38" West a distance of 86.83 feet to a point on the North line of the Northeast one-quarter of said Section 17; thence along said North line of the Northeast one-quarter of Section 17, North 88°38'55" East a distance of 325.99 feet to the point of beginning.

Together with:

That parcel of land described as "Transfer Parcel B" and more particularly described as follows:

All of Lot J as shown on that certain final map entitled "Bilby Ranch Unit 1" filed for record in Book 331 of Maps at Page 5, Sacramento County Records. As described as "Resultant Lands of Stathos" in that Boundary Line Adjustment recorded July 19, 2006, in Book 20050719, Page 1225, Official Records.

Apn: 132-0132-042;
Apn: 132-1680-032

Order Number: 12-024267

Schedule B

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in the policy form designated on the face page of this report would be as follows:

- A. Taxes for the Fiscal Year 2007-2008, a lien not yet due or payable.
- B. A lien to secure payment of a Special Tax imposed by the City Council of the City of Elk Grove for the City of Elk Grove Community Facilities District No. 2003-1 (Poppy Ridge), authorized under the "Mello-Roos Community Facilities Act of 1982". Notice of Special Tax Lien recorded January 29, 2003 in Book 20030129 page 2414, Official Records.
(As to Lot J Book 331 of Maps, Map No. 5)
- C. A lien to secure payment of a special tax imposed by the City Council of the City of Elk Grove for the City of Elk Grove Street Maintenance Assessment District No. 1, authorized under the "Mello-Roos Community Facilities Act of 1982". Notice of Special Tax Lien recorded in Book 20030522, Page 1650, Official Records, and rerecorded in Book 20030626, Page 1925, Official Records.
(As to Lot J Book 331 of Maps, Map No. 5)
- D. The Lien of Special Assessments, assessed pursuant to the procedures of the Mello-Roos Community Facilities Act of 1982 and/or the Landscaping & Lighting Act of 1972, amounts are included and collected with the Taxes shown herein.
- E. The Lien of Supplemental Taxes, if any, assessed pursuant to the provisions of Chapter 3.5, Revenue and Taxation Code, Section 75 et seq.
- F. Any possible outstanding charges for utility services. Amounts may be obtained by contacting the City and/or County of Sacramento's Utility Services and Billing Department.

The following exceptions (nos. 1 through 9) as to Apr: 132-0132-005 only:

- 1. Rights of the public and of the County of Sacramento as to that portion of the herein described property, lying within Bilby Road, a public road.
- 2. An easement over said land for pipelines for conveying gas, oil and water and incidental purposes as Granted to Pacific Gas and Electric Company, in Deed recorded May 15, 1930, in Book 305, Page 6, Official Records.

Affects: Approximately the west 15 feet of the southerly 700 feet of said land as more particularly described in said easement

Agreement modifying an easement recorded August 9, 1990, in Book 900809, page 1237, and October 24, 1990, in Book 901024, Page 1349, Official Records.

Reference is hereby made to said Agreements for full particulars.

Exceptions (Continued....)

Order Number: 12-024267

3. An easement over said land for pipelines for conveying gas and incidental purposes as Granted to Pacific Gas and Electric Company, a California Corporation, in Deed recorded May 21, 1930, in Book 304, Page 201, Official Records.

Affects Approximately the westerly 15 feet of the north three quarters of the northeasterly 1/4 of said Section 17 as more particularly described in said easement.

Agreements modifying and easement recorded August 9, 1990, in Book 900809, page 1237 and October 24, 1990, in Book 901024, Page 1349, Official Records.

Reference is hereby made to said Agreements for full particulars.
4. An easement over said land for transmission and distribution of electricity and incidental purposes as Granted to Great Western Power Company of California, in Deed recorded August 15, 1930, in Book 321, Page 73, Official Records.

Affects a portion of the north 1/2 of the northeast 1/4 of said Section 17. The exact location of which is not disclosed.
5. An easement over said land for aerial and underground wires, cables and other electrical conductors and incidental purposes as Granted to The Pacific Telephone and Telegraph Company, in Deed recorded May 29, 1952, in Book 2230, Page 189, Official Records.

Affects a strip of land 20 feet in width The exact location of which is not disclosed.
6. An easement over said land for electrical facilities and incidental purposes as Granted to Sacramento Municipal Utility District, in Deed recorded in Book 850719, Page 1323, Official Records.

Affects: Approximately a strip of land 35 feet in width the west line of which begins at the southwest corner of said land and extends northerly 1218.00 feet as more particularly described in said easement.
7. Ordinance No. SCZ 2000-0021, an Ordinance of the County of Sacramento County, Ordinance SZC 83-10, as amended, to establish a specific Planning Area, known as the East Franklin Specific Plan, Title VI, Chapter 5, Article I", as ordained by the Supervisors of the County of Sacramento, a Certified copy of said Ordinance, recorded June 14, 2000, in Book 20000614, Page 600, Official Records.

Reference is hereby made to said Ordinance for full particulars.
8. An easement over said land for electrical and communications facilities and incidental purposes as Granted to Sacramento Municipal Utility District, in Deed recorded in Book 20040716, Page 628, Official Records

See map attached to said instrument for a full understanding.

Exceptions (Continued....)

Order Number: 12-024267

9. An easement over said land for natural gas pipeline and underground electrical and communication systems and incidental purposes as Granted to Sacramento Municipal Utility District, in Deed recorded May 12, 2006, in Book 20060512, Page 1141, Official Records.

Affects a strip of land 10 feet in width that lies along the westerly boundary of said Parcel; Refer to the description contained in said instrument for a full understanding.

The following exception (nos. 10 through 13) as to Lot J Book 331 of Maps, Map No. 5 only:

10. The terms and provisions of that Ordinance No. SZC2000-0021, Amending the Zoning Code of Sacramento County, Ordinance No. 83-10 As Amended, recorded June 14, 2000 in Book 20000614, Page 600, Official Records.
11. Agreement to Mitigation, Monitoring and Reporting Program dated June 5, 2003 by and between Woodside Homes of CA, Inc. and the City of Elk Grove, City Control Number EG-02-285, recorded June 19, 2003, in Book 20030619, Page 1872, Official Records. Reference is hereby made to said instruments for a full understanding thereof.
12. An easement over said land for electrical and communication facilities and incidental purposes as Granted to Sacramento Municipal Utility District, in Deed recorded in Book 20040521, Page 1317, Official Records.
- Affects all of lot J.
13. Dedications as set forth and shown on the official map of said subdivision as follows:

The undersigned hereby consents to the preparation and recordation of this final map and offers for dedication and does hereby dedicate to any-and all public uses, upon completion of improvements, the public Franklin Boulevard, Bilby Road, Drive, Circle, Courts and Ways shown within these boundaries. And also offers for dedication and does hereby dedicate to any and all public uses easements for the following specific purposes.

- a. An easement for constructing and maintaining centralized mail delivery boxes, pedestals and slabs, together with any and all appurtenances pertaining thereto, including thereto, including pedestrian access for delivery and receipt of mail on, over and across strips of land five (5) feet in width, lying contiguous to the rights-of-way delineated above, and shown hereon. The Location to be determined by the U.S. Postal Service with the future placement of mail delivery boxes.
- b. Easements for planting and maintaining trees, installation and maintenance of electrollers, traffic control devices, water and gas pipes, and for overhead and underground wires and conduits for electrical, telephone and television services. Together with any and all appurtenances pertaining thereto, on, over, under and across Lots B, C, D, E, G, H, I, J and K, and those strips of land twelve and one-half (12.5) feet in width lying contiguous to the public drive, circle, courts and ways shown hereon and designated "Public Utility Easement" (P.U.E.)

Exception #13 (Continued....)

Order Number: 12-024267

- c. Right of way and easements for installation and maintenance of a pedestrian walkway, together with any and all appurtenances pertaining thereto on, over, under and across Lots B, C, D, E, G, H, I, J, and K shown hereon and designated "Pedestrian Easement" (P.E.). Said Lots to be kept open and free from buildings.
- d. An easement for landscaping and all appurtenances appertaining thereto, lying on, over, under and across Lots B, C, D, E, G, H, I, J, and K shown hereon and designated "Landscaping Easement" (L.E.) Said Lots are to be kept open and free from buildings

Lots B, C, D, E, G, H, I, J, and K shown hereon shall be granted in fee simple per separate document to the Elk Grove Community Services District for landscaping purposes.

Tax Note: For Proration Purposes Only

General and Special Taxes for the Fiscal Year 2006-2007, and any assessments and charges collected therewith,

1st Installment \$44,812.77 Paid
2nd Installment \$44,812.77 Paid

Parcel No. 132-0132-042 Asst. No. 06205739 Code Area 51-302
Land \$8,854,650.00 Improvements \$.00

Included in the above Taxes, in the amount of \$295.20, for the Elk Grove CSD L & L.

Included in the above Taxes, in the amount of \$73.34, for the EG School M-R BDS.

Taxes for the Fiscal Year 2006-2007 were not assessed for Apr. 132-1680-032 at this time.

Supplemental Tax Bill

1st Installment \$3,967.19 Paid
2nd Installment \$3,967.19 Paid

Parcel No. 132-0132-042 Asst. No. 06016718 Code Area 51-302
Land \$8,854,650.00 Improvements \$.00

Note: If this property lies within the city limits of Sacramento, it is subject upon sale to a tax of .00276 of the value of consideration. The failure to pay will result in the tax being added to the future property tax bills.

According to those public records under the recording laws impart constructive notice to the Title to the Land described herein, the following matters constitute the chain of title for the thirty-six month period preceding the date hereof:

Grant Deed executed by Frank G. Stathos, a married man, as his sole and separate property to RBS Investors, L.P., a California Limited Partnership recorded December 27, 2005, in Book 20051227, Page 1536, Official Records, and rerecorded October 6, 2006, in Book 20061006, Page 924, Official Records.

Interspousal Transfer Grant Deed executed by Patti L. Stathos, wife of the grantee herein to Frank G. Stathos, a married man, as his sole and separate property recorded October 6, 2006, in Book 20061006, Page 925, Official Records.

Buyer's Note:

If an ALTA Residential Owner's Policy is requested and if the property described herein is determined to be eligible for this policy, the following exceptions from coverage will appear in the policy:

1. Taxes or assessments which are not shown as liens by the public records or by the records of any taxing authority.
2. (a) Water rights, claims or title to water; (b) reservation or exceptions in patents or in Acts authorizing the issuance thereof; (c) unpatented mining claims; whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
3. Any rights, interest or claims of parties in possession of the land which are not shown by the public records.
4. Any easements or liens not shown by the public records. This exception does not limit the lien coverage in Item 8 of the Covered Title Risks.
5. Any facts about the land which a correct survey would disclose and which are not shown by the public records. This exception does not limit the forced removal coverage in Item 12 of the Covered Title Risks.

Lender's Note:

If a 1970 ALTA Lender's Policy form has been requested, the policy, when and if approved for issuance, will either be endorsed to add the following language or an encumbrance will be added to Schedule B, Part I as follows:

Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:

- (a) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
- (b) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
- (c) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:

- (i) to timely record the instrument of transfer; or
- (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

Approval for the issuance of the 1970 ALTA Lender's Policy form must be requested and approved prior to close of Escrow. All other forms of policies that are authorized to be issued are the 1992 Policies only.

Note: California "Good Funds" Law

Effective January 1, 1990, California Insurance Code Section 12413.1 (Chapter 598, Statutes Of 1989), prohibits a Title Insurance Company, controlled Escrow company or underwritten Title company from disbursing funds from an Escrow or Sub-Escrow account, (except for funds deposited by wire transfer electronic payment or cash) until the day these funds are made available to the deposit or pursuant to Part 229 of Title 12 of the code of federal regulations; (Reg. Cc). Items such as cashier's, certified or teller's checks may be available for disbursement on the business day following the business day of deposit; however, other forms of deposits may cause extended delays in closing the escrow or sub-escrow.

"Stewart Title of Sacramento will not be responsible for accruals of interest or other charges resulting from compliance with the disbursement restrictions imposed by state law"

CLTA Preliminary Report Form

Exhibit A (Rev. 6/2/98)
CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement not or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy.

(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at date of policy, but not excluding from coverage any taking which has occurred prior to date of policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at date of policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the company, not recorded in the public records at date of policy, but known to the insured claimant and not disclosed in writing to the company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to date of policy; or
 - (e) resulting in loss or damage which would not have been sustained in the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at date of policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

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EXCEPTIONS FROM COVERAGE--SCHEDULE B, PART I

This policy does not insure against loss or damage (and the company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

**CALIFORNIA LAND TITLE ASSOCIATION
HOMEOWNER'S POLICY OF TITLE INSURANCE (6/2/98)
EXCLUSIONS**

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
 - a. building
 - b. zoning
 - c. land use
 - d. improvements on the land
 - e. land division
 - f. environmental protection

This exclusion does not apply to violations or the enforcement of these matters if notice of the violation appears in the public records at the policy date.

This exclusion does not limit the coverage described in covered risk 14, 15, 16, 17 or 24

2. The failure of your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This exclusion does not apply to violations of building codes if notice of the violation appears in the public records at the policy date.
3. The right to take the land by condemning it unless:
 - a. a notice of exercising the right appears in the public records at the policy date; or
 - b. the taking happened before the policy date and is binding on you if you bought the land without knowing of the taking.

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4. Risks:
- a. that are created, allowed, or agreed to by you, whether or not they appear in the public records;
 - b. that are known to you at the policy date, but not to us, unless they appear in the public records at the policy date;
 - c. that result in no loss to you; or
 - d. that first occur after the policy date – this does not limit the coverage described in covered risk 7, 8, d, 22, 23, 24, of 25.
5. Failure to pay value for your title.
6. Lack of a right:
- a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys or waterways that touch the land.
- This Exclusion does not limit the coverage described in covered risk 11 or 16.

**AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)
EXCLUSIONS**

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
- a. land use
 - b. improvements on the land
 - c. land division
 - d. environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date.

This exclusion does not limit the zoning coverage described in items 12 and 13 of covered title risks.

2. The right to take the land by condemning it, unless:
- a. a notice of exercising the right appears in the public records
 - b. one the policy date
 - c. the taking happened prior to the policy date and is binding on you if you bought the land without knowing of the taking
3. Title Risks:
- a. that are created, allowed, or agreed to by you
 - b. that are known to you, but not to us, on the policy date – unless they appeared in the public records
 - c. that result in no loss to you
 - d. that first affect your title after the policy date – this does not limit the labor and material lien coverage in item 8 of Covered Title Risks
4. Failure to pay value for your title.

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5. Lack of a right:
- a. to any land outside the area specifically described and referred to in Item 3 of Schedule A
 - b. in streets, alleys, or waterways that touch your land

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks

**AMERICAN LAND TITLE ASSOCIATION LOA POLICY (10-17-92)
WITH ALTA ENDORSEMENT FORM 1 COVERAGE
and
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY
(10-17-92)
WITH ALTA ENDORSEMENT FORM 1 COVERAGE
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulations (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at date of policy, but not excluding from coverage any taking which has occurred prior to date of policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered assumed or agreed to by the insured claimant;
 - (b) not known to the company, not recorded in the public records at date of policy, but known to the insured claimant and not disclosed in writing to the company by the insured claimant prior to the date the insured claimant became an insured under this policy
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to date of policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at date of policy); or
 - (e) resulting in loss of damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at date of policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.

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5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgaged) arising from an improvement or work related to the land which is contracted for and commenced subsequent to date of policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at date of policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
 - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either standard coverage or extended coverage. In addition to the above exclusions from coverage, the exceptions from coverage in a standard coverage policy will also include the following General Exceptions:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the company will not pay costs, attorneys' fees or expenses) which arise by reason of :

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

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**AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)
AND
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD OWNER'S POLICY
(10-17-92)
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or locations of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy.

(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation of alleged violation affecting the land has been recorded in the public records at date of policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at date of policy, but not excluding from coverage any taking which has occurred prior to date of policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the company, not recorded in the public records at date of policy, but known to the insured claimant and not disclosed in writing to the company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to date of policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transactions creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either standard coverage or extended coverage. In addition to the above exclusions from coverage, the exceptions from coverage in a standard coverage policy will also include the following General Exceptions

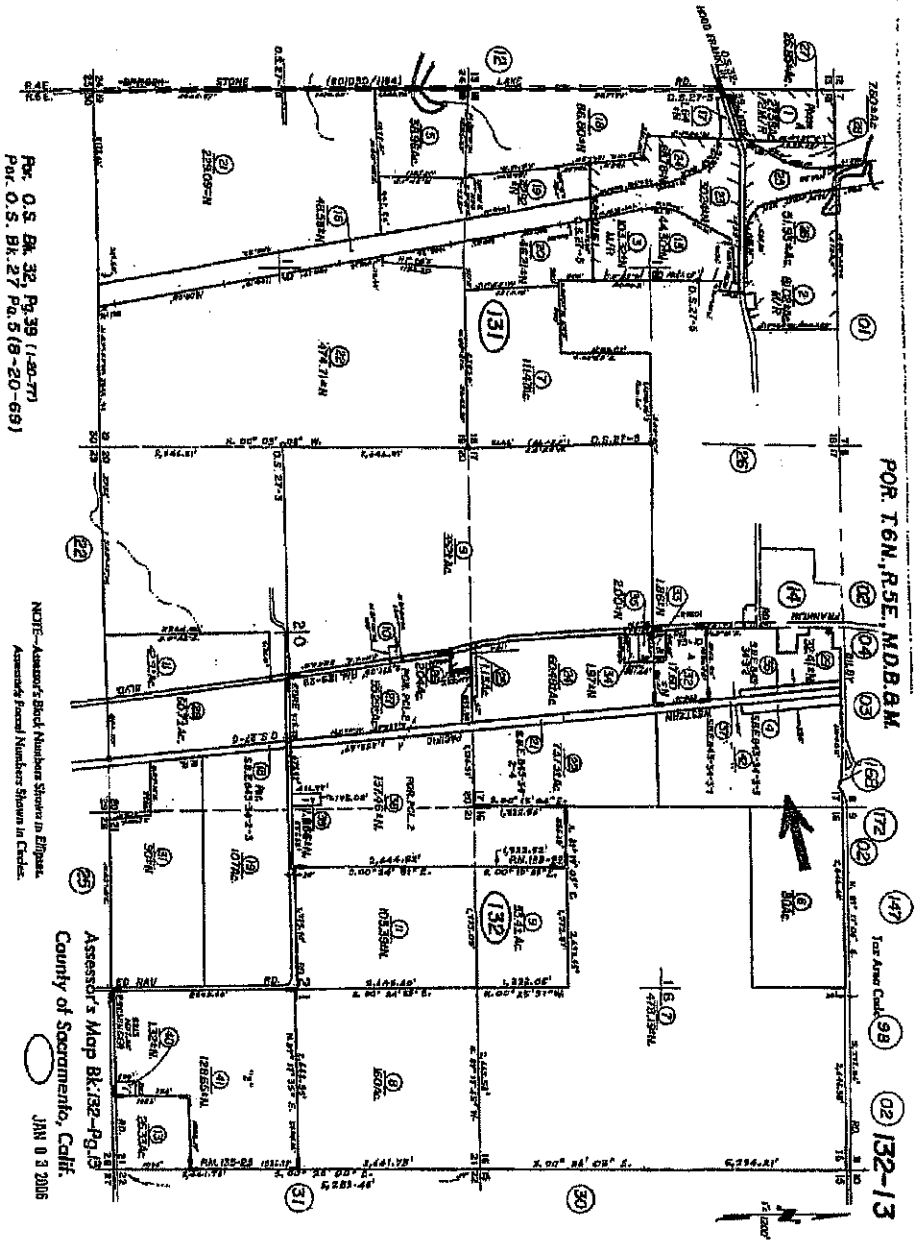
CLTA Preliminary Report Form

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the company will not pay costs, attorneys' fees or expenses) which arise by reason of :

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.



FOR 0.5 BK. 32, PG. 39 (1-30-77)
 FOR 0.5 BK. 27 Pa. 5 (8-20-69)

NOTE - Assessor's Block Numbers Shown in Ellipse.
 Assessor's Parcel Numbers Shown in Circle.

Assessor's Map Bk. 132 - Pg. 13
 County of Sacramento, Calif.
 JAN 0 3 2006

"IMPORTANT: This plat is not a survey. It is merely furnished as a convenience to locate the land in relation to adjoining streets and other lands and not to guarantee any dimensions, distances, bearings, or acreage."

Legal Description for 132-1680-057

132-1680-057

1187.064
3/1/2005
PJ

EXHIBIT A
DESCRIPTION OF
BOUNDARY LINE ADJUSTMENT
TRANSFER PARCEL "A"

All that certain real property situate in a portion of the Northeast One-Quarter of Section 17, Township 6 North, Range 5 East, Mount Diablo Meridian, County of Sacramento, State of California, and being further described as a portion of the Lands of Stathos as described in Book 20021213 at Page 1546, Official Records of Sacramento County, and in Book 20021213 at Page 1547, Official Records of Sacramento County and being further described as the following:

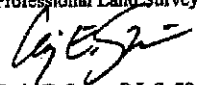
BEGINNING at a point situate on the North Line of the Northeast One-Quarter of said Section 17, from which a found nail and shiner accepted as the Northeast corner of said Section 17 as shown on that certain Final Map entitled "BILBY RANCH UNIT 1" filed for record in Book 331 of Maps at Page 5, Sacramento County Records bears North 88°38'55" East a distance of 99.18 feet; thence from said **POINT OF BEGINNING**, leaving said North line of the Northeast One-Quarter of said Section 17, from a radial line which bears North 13°06'13" West, 59.33 feet along the arc of a non-tangent 650.00 foot radius curve to the left through a central angle of 05°13'48" to a point of compound curvature; thence 158.71 feet along the arc of a tangent 1036.00 foot radius curve to the left through a central angle of 08°46'38"; thence South 62°53'22" West a distance of 46.37 feet; thence North 27°06'38" West a distance of 6.00 feet to a point of curvature; thence from a radial line which bears South 27°06'38" East, 39.27 feet along the arc of a non-tangent 25.00 foot radius curve to the right through a central angle of 90°00'00"; thence South 62°53'22" West a distance of 6.00 feet; thence North 27°06'38" West a distance of 86.83 feet to a point on the North line of the Northeast One-Quarter of said Section 17; thence along said North Line of the Northeast One-Quarter of Section 17, North 88°38'55" East a distance of 325.99 feet to the Point of Beginning.

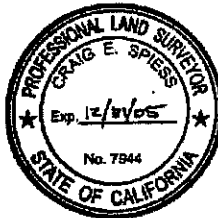
Transfer Parcel "A" contains 0.343 acres of land, more or less.

The Basis of Bearings for this description is California State Plane coordinate System, Zone 2, NAD'83, Epoch Date 1997.30, as measured between NGS Station "Eschinger," 1st order, and NGS Station "Keller," 1st order. Said bearing is North 20°56'36" West. Distances shown are ground based.

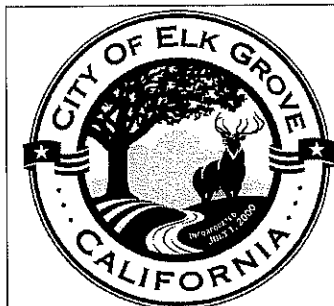
See Exhibits "B-1", "B-2" and "B-3", plats to accompany description, attached hereto and made a part hereof.

This legal description was prepared by me or under my supervision pursuant to section 8729 (2) of the Professional Land Surveyors Act.


Craig E. Spiess P.L.S. 7944
Expires December 31, 2005
Date: 3/1/05



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**NEGATIVE DECLARATION/INITIAL ENVIRONMENTAL STUDY**

Project Title:	Franklin Crossings (EG-04-727)
Lead Agency Name and Address:	City of Elk Grove Development Services - Planning 8400 Laguna Palms Way Elk Grove, CA 95758
Project Location:	South of Bilby Road, east of the Western Pacific Railroad within the East Franklin Specific Plan. (APN 132-0132-005).
Project Sponsor's Name and Address:	Reynen & Bardis Development LLC. 9848 Business Park Drive, Suite H Sacramento, CA 95827
General Plan Designation(s):	Low Density Residential
Zoning:	AG-80
Contact Person:	Darcy Goulart
Phone Number:	(916) 478-2222
Date Prepared	August 2005

Project Description

Prezone to support a future annexation, Annexation, Rezone from AG-80 to RD-4, RD-5 and O (Open Space), Specific Plan Amendment and a Tentative Subdivision Map to create 240 single family lots per the East Franklin Specific Plan (EFSP).

Environmental Setting and Surrounding Land Uses

The proposed project is located on an 86.4 acre parcel within the EFSP in the southwest area of the plan. The site is located south of Bilby Road and east of the Western Pacific Railroad (**Figure 1**). The proposed project is for a Prezone to support a future annexation, Annexation, Rezone and Tentative Subdivision Map to create 240 single family lots (**Figure 2**). The proposed project site is not located within the city limits of the City of Elk Grove and will require a Prezone from the City and Annexation approval from LAFCO.

The EFSP was approved by Ordinance SZC 2000-0021 by the Sacramento County Board of Supervisors on May 31, 2000. The EFSP and its accompanying Environmental Impact Report (EFSP EIR) specify anticipated residential, commercial and institutional land uses, vehicle, bicycle and pedestrian circulation patterns and the needed infrastructure and financing systems to support an anticipated new population of over 10,000 residents. This Initial Study has been prepared to specifically address the environmental impacts of creating 240 single family lots.

Franklin Crossings (EG--04-727)
August 2005

Figure 1 Vicinity Map

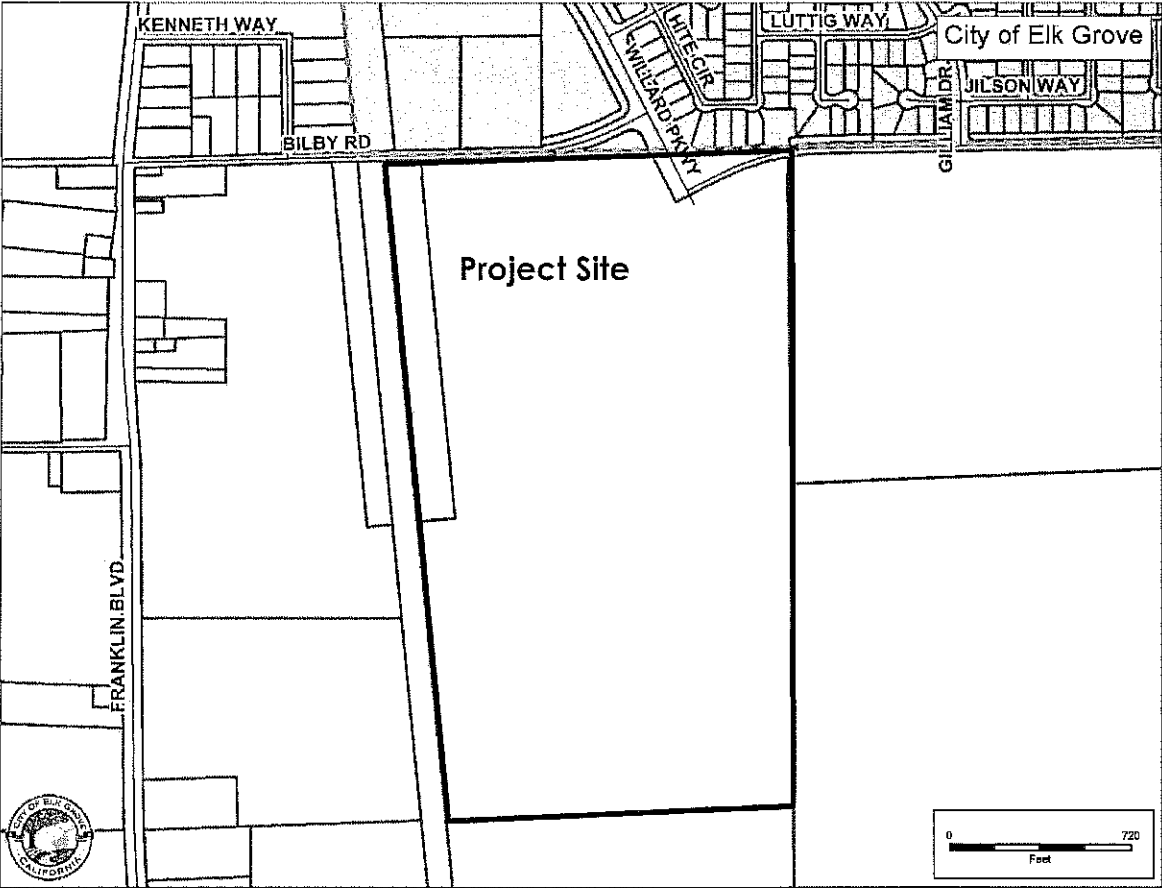
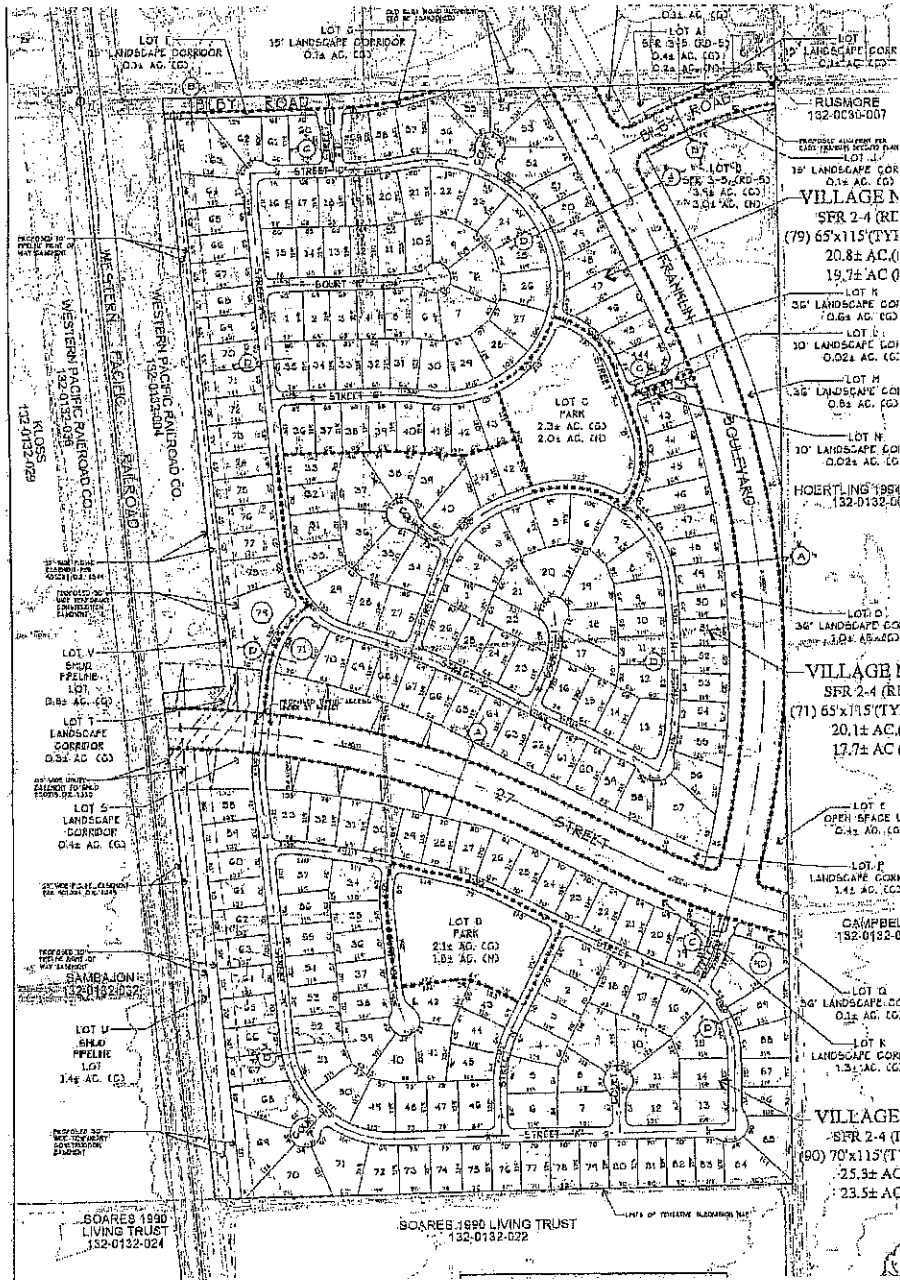


Figure 2 Tentative Subdivision Map



Franklin Crossings (EG-04-727)
August 2005

This Initial Study was conducted in accordance with Section 15162 of the California Environmental Quality Act, which provides for the preparation of a subsequent Initial Study/Negative Declaration under certain conditions (including changes in the project and further discretionary approval on the project being required).

The Initial Study assumes compliance with all applicable State, Federal, and Local Codes and Regulations including, but not limited to, City of Elk Grove Improvement Standards, the California Building Code, the Sacramento County Water Agency Code, the Guidance Manual of On-site Storm Water Quality Control Measures, the State Health and Safety Code, and the State Public Resources Code.

As a component of the EFSP, compliance with all appropriate conditions and requirements of that plan and all appropriate Mitigation Measures adopted with the EFSP EIR are assumed and hereby incorporated into the project description.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement). The list below is not limited to those agencies and others may be required as part of the annexation process with LAFCO.

- Sacramento County Local Agency Formation Commission (LAFCO)
- United States Army Corps of Engineers (Corps)
- California Department of Fish and Game (CDFG)
- Central Valley Regional Water Quality Control Board (CVRQCB)
- Sacramento Metropolitan Air Quality Management District (SMAQMD)
- City of Elk Grove
- County Sanitation District (CDS-1)
- Sacramento County Water Resources (Zone 40)
- Elk Grove Community Services District Park and Recreation
- Elk Grove Police Department
- Elk Grove Community Services District Fire Department
- Various Utility Service Providers

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature

Date

Planner's Printed Name

City of Elk Grove
Development Services - Planning

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the Franklin Crossings project (EG-04-727), as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should

be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--	--------------------------------	--	------------------------------	-----------

Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- a) *No Impact* – See EFSP EIR (3. Project Location 3-2). Implementation of the project will not have an effect on a scenic vista, as no scenic vistas were identified or discussed within the EFSP or EFSP EIR of which this project is a part. Therefore the project will not have an adverse effect on a scenic vista.
- b) *No Impact* – See EFSP EIR (3. Environmental Setting 3-2). As there are no state scenic highways or identified scenic resources within or adjacent to the project site, implementation of the project will not substantially damage scenic resources.
- c) *Less Than Significant Impact* – See EFSP EIR (3. Environmental Setting 3-2). Implementation of the project will have no greater affect on the visual character or quality of the site and surroundings than those identified in the EFSP EIR. The EFSP anticipates a conversion of agricultural lands to suburban residential uses.
- d) *Less Than Significant Impact* – The project would provide additional light and glare into an area currently undeveloped. The project will not create additional light and glare on the site and surroundings than that identified in the EFSP EIR.

II. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Existing Setting

The approval of the EFSP acknowledged the eventual conversion of approximately 1,700 acres classified as farmland of statewide importance. Projects resulting in the conversion of more than 50 acres of farmland that is considered prime or of statewide importance will have a significant environmental effect, as defined by CEQA. Mitigation Measures were detailed in the EFSP EIR that apply to subsequent projects, such as the Franklin Crossings project, which seeks to convert 86.4 acres of farmland of statewide importance.

The Final Environmental Impact Report (FEIR) that was adopted by Sacramento County Board of Supervisors for the EFSP identified specific mitigation measures for the loss of agricultural land. The FEIR identified that the EFSP area contains 1,675 acres of farmland of statewide importance, 700 acres of farmland of local importance and 100 acres of lesser quality soils. The FEIR calls for the preservation of 1,675 acres of agricultural land. The environmental document identified the following mitigation measure:

- SG-1 Prior to the approval of improvement plans or recordation of a final subdivision map, whichever occurs first, the applicant shall implement one of the following options to the satisfaction of the Planning Director, to mitigate for the loss of agriculture land which will assist in maintaining the integrity of the Urban Services Boundary:
 - a. For each acre of land being developed by this project, the applicant shall preserve 0.63 acres of agricultural land within the area bounded by the Kammerer Road on the north, the Cosumnes River on the east, the Mokelumne River/Sacramento County Line on the south, and Interstate-5 on the west, through the purchase of conservation

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easements or similar instruments that assure the long term protection of that land from urban encroachment; **or**

- b. For each acre of land being developed by this project, the applicant shall contribute \$1,025.00 per acre (through direct contribution or other financing mechanism that results in an equivalent contribution) into a fund and program to expend such fund, to be used to purchase conservation easements or similar instruments within the same geographical area defined in part (a), and to provide for the ongoing monitoring and administration of the program (the fund, and program to expend such fund, are to be approved by the Board of Supervisors); **or**
- c. Should the Elk Grove City Council adopt a permanent program to preserve agricultural land in the same geographical area defined in part (a), prior to implementation of one of the above measures, and such a permanent program is intended to replace this condition, the applicant shall be subject to that program instead.
- d. The contribution rate (\$1,025.00 per acre) may be adjusted annually on or about July 1, subject to approval by the City, based upon the annual increase in the consumer price index, or based upon a detailed analysis of land values within the affected area.

This mitigation was based upon all projects within the EFSP area (2,475 total acres) paying an equal amount to mitigate the 1,675 acres of farmland of statewide importance within the plan area. This means that mitigation is not based upon specific parcels paying a 1 to 1 mitigation ratio, but actually a 1 to 0.67 ratio for the overall project area. This results in 1,675 acres of agricultural lands being mitigated by 2,475 acres of development. Mitigation Measure SG -1 would mitigate at a 1:1 ratio for the entire EFSP area and that the 1:0.67 is the result that some lands are not considered important farmlands (i.e., statewide importance, prime and lands with agricultural investments are defined as important under the General Plan).

Discussion of Impacts

- a) *Less Than Significant Impact* – See EFSP EIR (Section 14. Soils and Geologic Conditions) and EFSP Ordinance. Development of the proposed Franklin Crossings project would result in the loss of 86.4-acres of farmland of Statewide Importance. The Franklin Crossings project is consistent with the development of land as identified within the EFSP, and no change is proposed that would result in additional loss of important agricultural land beyond what was addressed in the EFSP EIR. The EFSP EIR identified that implementation of the plan would convert Farmland of Statewide Importance to suburban residential uses. The EFSP FEIR was certified with statements of overriding consideration regarding loss of agricultural land. The Franklin Crossings mitigated negative declaration provides for agricultural land mitigation as identified within the EFSP FEIR and mitigation measure SG-1 is included within the document. The mitigated negative declaration is consistent with the mitigation provided within EFSP FEIR and no further mitigation measures are proposed.
- b) *No Impact.* – See EFSP EIR (4. Agricultural Resources 4-9) and Ordinance. Existing Zoning for the project area is AG-80. Part of the applicant's request is to rezone approximately 86.4 acres of agriculturally zoned land to the residential land uses specified in the EFSP. No Williamson Act contract parcels are within the Franklin Crossings project area. No greater impact to the existing agricultural zoning than those discussed in the EFSP EIR are anticipated with the Franklin Crossings project.

c) *Less Than Significant Impact.* – See 2a above and the EFSP EIR (4. Land Use, 4-9). Implementation of the project will result in conversion of farmland to non-agricultural use, as described previously with mitigation measures applied. No greater impacts in regard to conversion of farmland to non-agricultural uses to beyond those forecasted in the EFSP EIR are anticipated.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Existing Setting

The air quality analysis for the EFSP was performed by Jones and Stokes Associates under the direction of the Sacramento County Department of Environmental Review and Assessment (DERA). The EFSP included provisions for complying with AQ-15, the requirement to reduce air emissions by 15 percent from a base level standard year 1993. The EFSP project as a whole received "credits" for integrating a mix of commercial, institutional and a variety of residential density land uses to reduce vehicle dependency and hence reduce air emissions. The project also received credits for incorporating numerous bicycle oriented and pedestrian oriented provisions into the plan.

Discussion of Impacts

- a) *Less than Significant Impact* – See above discussion and the EFSP EIR (Section 11. Air Quality). No Air Quality impacts beyond those discussed in the EFSP EIR have been determined in the review of the Franklin Crossings project. And no additional mitigation measures beyond the Air Quality Mitigation Measures adopted with the EFSP EIR are seen as necessary. Impacts to Air Quality are seen as less than significant in the context of prior approval of the EFSP and EFSP EIR. The proposed project would contribute to the air quality impacts identified in the EFSP EIR. Compliance with the mitigation measures of the EFSP would mitigate the impact to less than significant. Adoption of the Franklin Crossings project, subject to the air quality mitigation measures approved in the EFSP EIR will not conflict with or obstruct implementation of the applicable air quality plan.

- b) *Less than Significant Impact* – See above discussion and the EFSP EIR (11. Air Quality). While Sacramento County is a known area of non-attainment for State and Federal standards for carbon monoxide (CO), ozone and particulate matter less than 10 microns in diameter (PM_{10s}), the EFSP EIR addressed these issues. The EFSP EIR found that both construction emissions and increases in ROG, NO_x, and PM₁₀, due to implementation of the EFSP would result in significant and unavoidable impacts. The EFSP EIR (11. Air Quality) addressed both the near term construction and best practices methods that will be required during construction phases, and the EIR also incorporated Mitigation and Monitoring measures to reduce long-term impacts to air quality. Adoption of the Franklin Crossings project, subject to the EFSP EIR Air Quality mitigation measures (AQ-1, AQ-2, AQ-6, and AQ-8) would not impact air quality beyond the degree already identified in the EIR; and, therefore, impacts are considered less than significant impact.

- c) *Less than Significant Impact* - See above discussion, the EFSP EIR (11. Air Quality) and responses to a) and b).

- d) *Less than Significant Impact* - See above discussion, the EFSP EIR (11. Air Quality) and responses to a) and b).

- e) *Less than Significant Impact* - See above discussion, the EFSP EIR (11. Air Quality) and responses to a) and b).

- f) *Less than Significant Impact* - See above discussion, the EFSP EIR (11. Air Quality) and responses to a) and b).

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

As stated in the EFSP EIR, the majority of the EFSP area has been extensively leveled and cleared for agricultural use. Biological resources were analyzed in the EFSP EIR and mitigation measures were incorporated that require wetland delineations, determinate surveys for potentially occurring special-status species or their habitat and tree surveys for all future development projects.

Gibson and Skordall completed a wetland delineation and special status species evaluation for the property (April 2003, revised March 2004). Copies of the Wetland Delineation and Special Status Species study are attached at the end of this Initial Study. The main findings of the studies are as follows:

- The Wetland Delineation identified 0.26-acre of ephemeral ditches at the project site that are potentially regulated by the Corps of Engineers under Section 404 of the Clean Water Act. Gibson and Skordall also identified two ditches and a tailwater pond that they do not consider jurisdictional.
- A number of special status raptors, including Swainson's hawk, white-tailed kite and northern harrier would have a reasonable potential for occurring in the study area based on the presence of suitable foraging habitat. There may be marginal nesting habitat available for burrowing owls. Additionally, there is marginal nesting habitat for raptors including Swainson's hawk and white-tailed kite present in the irrigation ditch/drainage that borders the west edge of the study area. Gibson and Skordall did not observe any nesting raptors or potential raptor nests in or immediately adjacent to the study area during the March 31st field study. However, red-tailed hawk and Swainson's hawk were observed foraging in or near the project site during field surveys. Based on the absence of summer water in the ditches and tailwater pond absent irrigation, and based on the lack of suitable aquatic habitat or surface water connection with documented giant garter snake habitat, the potential for giant garter snake to occur in the study area would be low.

Sierra Nevada Arborists conducted tree surveys at the site on April 4, 2004 and again on May 5, 2004. The surveys state that there are no trees onsite that meet the minimum requirements of the City's Tree Preservation and Protection Ordinance.

Discussion of Impacts

α-b) *Less than Significant with Mitigation Incorporated.* The project site contains suitable habitat for the following wildlife species, according to the biological report referenced above. The Sensitive Species Study did not identify any sensitive species located on the property, however the site is potential habitat for Swainson's hawk, other raptors, burrowing owls, Sanford's arrowhead, giant garter snake, tricolored blackbirds, California tiger salamander, valley elderberry longhorn beetle and vernal pool branchipods.

Swainson's Hawk

Swainson's hawks historically inhabited open grasslands throughout most of lowland California. A variety of habitat changes, including the conversion of native grasslands to agricultural, urban, and industrial development have caused the Swainson's hawk population to decline by more than ninety percent from levels at the time of European settlement. Swainson's hawk in the Central Valley typically nest in large, mature trees such as valley oaks, cottonwoods, willows, and native walnuts. Selected trees are typically located near suitable foraging habitat. The project site provides suitable foraging habitat for this species, as well as other raptors (birds of prey). Based on CNDDDB records, active Swainson's hawk nests have been documented within two miles of the project site. As the surrounding area is developed, foraging opportunities have become more limited for Swainson's hawks. The development of the Franklin Crossings project would have a potentially significant impact unless mitigation incorporated. The mitigation measure below replaces EFSP EIR mitigation measure BR-6.

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Mitigation Measure 1 (Biological Resources – Swainson’s hawk foraging habitat)

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.

Monitoring Action

Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project applicant shall provide written verification to Development Services-Planning that one of following mitigation measures has been implemented:

- 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
- 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.

Timing/Implementation: Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.

Enforcement/Monitoring: City of Elk Grove Development Services-Planning in consultation with CDFG

The above mitigation measure (MM 1) would reduce impacts to Swainson's hawk to a less than significant level.

Nesting Birds

In addition to Swainson's hawk, irrigated cropland may provide potential foraging habitat for a variety of raptors, such as northern harrier, white-tailed kite, great horned owl, red-tailed hawk, American kestrel and sharp-skinned hawk. Red tailed hawk and Swainson's hawk were observed foraging in or near the project site during field surveys. The general absence or scarcity of potential nest trees in the study area would eliminate any potential for raptors to nest in the study area. However, there is suitable nesting habitat available in larger cottonwood trees and willow trees associated with the off-site ditch within the railroad right-of-way that borders the west boundary of the study area.

Burrowing owls (Federal Bird of Conservation Concern, state Species of Special Concern) commonly occupy old ground-squirrel burrows along levees and ditches adjacent to agricultural fields, pastures, grasslands, vernal pools, and ruderal areas where they forage for insects and small mammals. There is marginally suitable foraging and nesting habitat available in the project area. No burrowing owls active in or near the project site were observed during the field studies.

There have been a number of documented sightings of tricolored blackbird nesting colonies in the Florin and Bruceville USGS topographic quadrangles, but the precise locations have been excluded from CNDDDB records for protection issues. Emergent vegetation and blackberry

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thickets associated with portions of the irrigation ditches along the western boundary of the study area may provide marginal nesting habitat for tricolored blackbirds. Additionally, there is suitable nesting habitat located in the off-site ditch/drainage to the west of the project site. No tricolored blackbirds active in or immediately adjacent to the project site were observed during the field studies.

Mitigation Measure 2 (Biological Resources – Nesting Birds)

In order to mitigate potential adverse impacts to nesting raptors and other birds that may forage or nest at the project site, the applicant shall implement the following mitigation measure.

Monitoring Action

- If construction is proposed during the raptor breeding season (February–August), a focused survey for ground nesting raptors (including burrowing owls) and migratory bird nests shall be conducted within 30 days prior to the beginning of construction activities by a qualified biologist in order to identify active nests onsite. If active nests are found, no construction activities shall take place within 500 feet of the nest until the young have fledged. This 500-foot construction prohibition zone may be reduced based on consultation and approval by the CDFG. If no active nests are found during the focused survey, no further mitigation will be required.

- Within 30 days prior to the onset of construction activities outside of the breeding season (September–January), a qualified biologist shall conduct a burrow survey to determine if burrowing owls are present on the project site. If burrowing owls are observed on the site, measures shall be implemented to ensure that no owls or active burrows are inadvertently buried during construction. Such measures include: flagging the burrow and avoiding disturbance; securing and preserving suitable habitat offsite; passive relocation and/or active relocation to move owls from the site. All measures shall be determined by a qualified biologist and approved by the CDFG.

All burrowing owl surveys shall be conducted according to CDFG protocol. The protocol requires, at a minimum, four field surveys of the entire site and areas within 500 feet of the site by walking transects close enough that the entire site is visible. The survey shall be at least three hours in length, either from one hour before sunrise to two hours after or two hours before sunset to one hour after. Surveys shall not be conducted during inclement weather, when burrowing owls are typically less active and visible.

- Pursuant to the MBTA and the California Fish and Game Code, if active songbird nests or active owl burrows are found within the survey area, clearing and construction shall be postponed or halted within a minimum of 250 feet for owls and 100 feet for songbirds, or as determined by a qualified biologist to ensure disturbance to the nest will be minimized. Construction will not resume within the buffer until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The perimeter of the protected area shall be indicated by orange mesh temporary fencing. No construction activities or personnel shall enter the protected area, except with approval of the biologist.

Timing/Implementation: Prior to and during construction activities.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Implementation of the above mitigation measure would reduce impacts on nesting raptors and migratory birds to a less than significant level.

California Tiger Salamander

The California tiger salamander is a Federal Candidate for formal listing and a California Species of Special Concern that breeds in vernal pool/swale complexes associated with grassland communities. The absence of suitable vernal pools, seasonal wetlands, and/or swales at the project site would eliminate any reasonable potential for tiger salamander to occur at the site.

Giant Garter Snake

Giant garter snakes are federally and state listed as threatened. Giant garter snakes inhabit a variety of aquatic habitats, such as agricultural canals, marshes, sloughs, and ponds. They also require adjacent upland habitat for basking and burrows for wintering that provide sufficient cover and are at high enough elevations to function as refuges from flood waters during the snakes' inactive season (October–May).

The closest documented sighting of giant garter snake, based on historical NDDDB records, occurred in a tributary to Stone Lake located west of Franklin Road and approximately ½ mile southwest of the survey area. There does not appear to be a surface connection between the project site and the documented giant garter snake habitat. Although portions of the irrigated ditches and tailwater ponds in the study area may provide marginally suitable habitat for species while irrigation is in use, the ditches do not provide suitable or potential habitat in the absence of irrigation. Given that the property is not currently irrigated and will not be irrigated in the future, the ditches no longer support potential habitat for this species. Impacts to giant garter snake would be less than significant.

Valley Elderberry Longhorn Beetle

The Valley elderberry longhorn beetle is a Federal threatened species that is dependent upon the elderberry plant as a primary host species. Elderberry shrubs are a common component of riparian areas throughout the Sacramento Valley region, and they have been documented as occurring at numerous locations in the vicinity of the study area. However, the absence of elderberry shrubs in the study area would eliminate any potential for valley elderberry longhorn beetle to occur in the study area.

Vernal Pool Branchipods

Federally listed vernal pool branchipods including the threatened vernal pool fairy shrimp and the endangered vernal pool fadpole shrimp have been documented as occurring in the Elk Grove and Florin USGS quadrangles. Other non-listed branchipods known to occur in the region include California linderiella and midvalley fairy shrimp. Vernal pool branchipod species, including those species listed above, are generally restricted to vernal pools and/or other seasonally ponded wetlands that sustain inundation during the winter before drying up in the late spring. The absence of suitable vernal pool and/or seasonal wetland habitat in the study area and the long history of irrigation and farming at the site would eliminate any potential for federally listed branchipods to occur in the study area.

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Special Status Plants

Special status plant species identified on the CNDDDB as occurring in the Elk Grove and Florin USGSD quadrangles include dwarf downingia (*Dowinia pusila*), Bogg's Lake hedge-hyssop (*Gratiola heterosepala*), legenere (*Legenere limosa*), slender orcutt grass (*Orcuttia tenuis*) and Sanford's arrowhead (*Sagittaria sanfordii*). Dwarf downingia, legenere, and slender orcutt grass are strongly associated with vernal pools and other seasonally ponded wetlands. The absence of suitable habitat for these plants would eliminate any reasonable potential for occurrence in the project area.

The ditches and tail-water ponds may provide marginal habitat for Sanford's arrowhead during the irrigation season in the late spring and summer. However, most or all of the ditches were dry during Gibson and Skordal's March 31st field studies. In the absence of irrigation, the ditches do not provide suitable habitat for this species. No special status plants in the project area were observed during the field studies conducted in late February 2003. Impacts to Sanford's arrowhead are anticipated to be less than significant.

c) *Less than Significant Impact with Mitigation Incorporated.* On April 22, 2004, the Army Corps of Engineers verified the estimate of waters of the United States, as shown on the Gibson & Skordal, LLC, Wetland Consultants, February 2004 Jurisdictional Delineation Map of the project area. Approximately 0.26 acres of waters of the United States, including wetlands, are present at the project site and are regulated under Section 404 of the Clean Water Act, in accordance with 33 CFR 328.3. Development of the project site would impact these wetlands and waters of the United States; therefore, this impact is considered potentially significant.

Mitigation Measure 3 (Biological Resources - Wetlands)

Project implementation would result in the loss of 0.26-acres of waters of the United States. To mitigate for this potentially significant impact, the project proponent shall implement the following mitigation measure.

Monitoring Action

The applicant shall ensure that the project will result in no-net-loss of waters of the U.S. by providing mitigation through impact avoidance, impact minimization and compensatory mitigation for the remaining impact. Compensatory mitigation shall require purchase of credits in an Army Corps of Engineers approved mitigation bank at a ratio of no less than one acre purchased for each acre impacted.

Timing/Implementation: Prior to site preparation or construction activities.

Enforcement/Monitoring: City of Elk Grove--Planning.

Implementation of the above mitigation measure would reduce the impact to wetlands to less than significant.

d) *Less than Significant Impact.* The project site is bordered by residential uses to the north, Western Pacific Railroad to the west and agricultural uses to the east and south. The site was previously used for agricultural uses and does not consist of any large bodies of water suitable for migratory waterfowl. No native wildlife nurseries exist onsite. Project implementation would have a less than significant impact on the movement of any migratory fish and wildlife species.

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e) *Less than Significant Impact.* Sierra Nevada Arborists conducted a field inspection on April 28, 2004 and May 5, 2004 to identify, inventory and evaluate any trees within the project boundaries which meet the requirements of the City of Elk Grove Tree Preservation and Protection Ordinance. As determined by Sierra Nevada Arborists, no trees within the project boundaries meet or exceed the City's minimum preservation criteria. There is a small group of native willows located in the southwest corner of the site, however, each of these trees measure less than 19 inches DBH and, therefore, do not meet the City's preservation criteria. In addition, there are some trees located between the high voltage power easement and the railroad right-of-way which may meet the criteria of the Preservation Ordinance; however, these trees appear to be outside the boundaries of the project.

Wetlands have been identified on site comprised of 0.26 acres of waters of the United States. These areas would be disturbed by project construction. Elk Grove General Plan Policy CAQ-9 states "Wetlands, vernal pools, marshland and riparian (streamside) areas are considered to be important resources. Impacts to these resources shall be avoided unless shown to be technically infeasible. The City shall seek to ensure that no net loss of wetland areas occurs." The project will be required to obtain a Section 404 permit prior to filling any wetland features from the Army Corps of Engineers as discussed in Mitigation Measure 3 above. Therefore, conflicts with local policies or ordinances protecting biological resources would be of a less than significant level.

f) *No Impact.* The City of Elk Grove does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, the project would have no impact on these types of plans.

V. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Existing Setting

A cultural resource overview of the EFSP area and associated subdivision maps was prepared by Peak & Associates on May 13, 1997 for the EFSP EIR. A project-specific cultural resources assessment was prepared by Peak & Associates for the Franklin Crossing project on August 29, 2004. Field assessments of the Franklin Crossings site were conducted as part of both cultural

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resource studies. The EFSP area lies on a flat, open plain between the Sacramento River to the west of the EFSP area, the Laguna Creek drainage system to the north and Stone Lake and tributary sloughs to the west. Campsites and villages would more likely be located near the larger, more reliable water sources. The north west corner of the EFSP area includes a shallow portion of one of the Stone Lake tributaries, but most of the project area was dry for the bulk of the year prior to irrigation.

Monitors for the construction of a pipeline along the edge of the Franklin Crossings property paralleling the railroad tracks discovered portions of a mammoth. The remains were found at a depth of four feet in the Riverbank Formation. As a result, there is a stronger possibility that other skeletal material could be recovered from the site at a similar depth.

Discussion

a-b,d) *Less Than Significant Impact.* A cultural resources assessment was conducted by Peak & Associates, Inc. on August 29, 2004 and is included at the end of this Initial Study. The entire project area was traversed on foot in 1997 employing ten to fifteen meter wide transects. Peak & Associates staff revisited the site in August 2004 and re-checked for cultural resources. No prehistoric artifacts or evidence of prehistoric use of the project area was found. There is no evidence of prehistoric use of the land. Although no prehistoric sites were found during the survey, there is a slight possibility that a site may exist that is currently obscured by vegetation, fill or other historic activities. EFSP EIR Mitigation Measures CR-4 requires that the project applicant notify the appropriate government agencies in the event that human remains or prehistoric artifacts are found. The condition would be required to be included as a note on all grading and construction plans for the proposed project.

c) *Less Than Significant With Mitigation Incorporated.* Due to the fact that paleontological resources were previous found at the project site and because of the random nature of deposition of early faunal remains in the Riverbank Foundation, it is possible that other fossils exist at the project site. The following mitigation measure would reduce impacts to paleontological resources to a less than significant level.

Mitigation Measure 4 (Cultural Resources)

In order to mitigation impacts to paleontological resources, the project proponent shall implement the mitigation measure below.

Monitoring Action

A paleontological monitor shall be employed during any trenching that exceeds three feet in depth at the project site, extending into the Riverback Formation. The paleontological monitor shall be empowered to stop excavations at any spot where a discovery is made and to complete any necessary excavations. The applicant shall notify the City at least 2 days prior to trenching to ensure compliance with this mitigation measure.

Timing/Implementation: During trenching activities that exceed three feet in depth.
Enforcement/Monitoring: City of Elk Grove – Planning.

Implementation of the above mitigation measure would reduce the potential impact to paleontological resources to a less than significant level.

VI. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Existing Setting

The consulting engineer for the EFSP (Wallace-Kuhl and Associates) evaluated the soils occurring on-site and has made conclusions regarding the geological conditions present. Design of the buildings in accordance with Title 24, Chapter 23 of the California Code of Regulations (1991 Edition of the California Building Code, with January 1, 1993 supplements) for Seismic Zone 3 should be sufficient to prevent significant damage to buildings as a result of seismic ground shaking. The site coefficient S2, as indicated on Table 23J of the California Building Code, is considered to be appropriate for use in seismic analyses of this site, since the building sites are **Franklin Crossings (EG--04-727)**
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considered to be underlain by dense or stiff soils. The report concluded there are no known soils or geologic conditions occurring on the site that would create adverse impacts to or from the proposed development.

Mapped soils in the study area include San Joaquin silt loam, leveled, 0 to 1 percent slopes; San Joaquin-Durixeralfs complex, 0 to 1 percent slopes; San Joaquin-Gait complex, leveled, 0 to 1 percent slopes; and San Joaquin-Xerarents complex, leveled, 0 to 1 percent slopes. A majority of the study is mapped as San Joaquin silt loam described as moderately deep, moderately well drained soil occurring on low terrace features. Although none of these mapping units are listed as hydric soils, they do have hydric inclusions in depressions and draineways.

Discussion of Impacts

- a)
- i. *Less than Significant Impact.* See EFSP EIR (14 . Geology and Soils 14-6). The Franklin Crossings project presents no greater exposure of people and structures to potential substantial adverse effects including the risk of loss, injury or death involving rupture of a known earthquake fault than that identified in the EFSP EIR. The geologic hazards report for the site concluded that the site will be subject to at least moderate ground shaking as a result of earthquake events on one or more of the fault systems located east and west of the EFSP site. The potential for ground rupture, lateral spreading, liquefaction, land-sliding, or earthquake-induced settlement beneath buildings constructed on-site is considered to be low.
 - ii. *Less than Significant Impact.* See EFSP EIR (14 . Geology and Soils 14-6). The Franklin Crossings project presents no greater exposure of people and structures to potential substantial adverse effects including the risk of loss, injury or death involving Strong Seismic ground shaking than that identified in the EFSP EIR.
 - iii. *Less than Significant Impact.* See EFSP EIR (14 . Geology and Soils 14-6). The Franklin Crossings project presents no greater exposure of people and structures to potential substantial adverse effects including the risk of loss, injury or death involving Seismic-related ground failure including liquefaction than that identified in the EFSP EIR.
 - iv. *Less than Significant Impact.* See EFSP EIR (14 . Geology and Soils 14-6). The Franklin Crossings project presents no greater exposure of people and structures to potential substantial adverse effects including the risk of loss, injury or death involving landslides than that identified in the EFSP EIR.
- b) *Less than significant impact.* See EFSP EIR (14. Geology and Soils 14-6). The Franklin Crossings project presents no greater impact than that determined in the EFSP and EIR. Loss of agricultural use of the land where soil erosion is more relevant to the use of the land, has been addressed earlier under Agricultural Resources. Some soil erosion is expected during construction, but loss of topsoil is not a significant issue; existing codes that regulate erosion control will be implemented during the winter months of October to March.
- c) *Less than Significant impact.* See EFSP EIR (14, Geology and Soils 14-6) discussion above and comments in a).
- d) *Less than Significant impact.* See EFSP EIR (14, Geology and Soils 14-6) discussion above and comments in a). See next section addressing Hazards and Hazardous Materials

e) *Less than Significant Impact.* See EFSP EIR (14. Geology and Soils 14-6) discussion above and comments in a). The project will be connected to the City's sewer system. No septic tanks or alternative wastewater disposal system will be installed in the area. See next Section addressing Hazards and Hazardous Materials.

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Existing Setting

In the EFSP EIR Summary of Impacts and their Disposition, page 17-7 states in regard to Hazardous Substances that, "The potential exists that development in the plan area could be exposed to hazardous materials such as residual agricultural chemicals in fruit orchard soils and dairy, asbestos-containing materials from existing structures, and illegally dumped debris. Implementation of recommended mitigation measures will reduce these potential impacts to less than significant levels."

The EFSP EIR includes a Phase I Environmental Site Assessment for the 2,474-acre EFSP plan area prepared by consultants Wallace and Kuhl (WK). This Assessment includes an overview of the potential for hazardous materials and conditions within the plan areas and gave greater focus to the five first phase tentative subdivision maps described in the beginning of this report. An Environmental Site Assessment was completed specifically for the Franklin Crossings project by Wallace Kuhl and Associates. The assessment found the site to be clean and clear of any hazardous materials.

Discussion of Impacts

- a) *Less than Significant Impact.* - See EFSP EIR (Section 13. Hazardous Substances, HS-1, HS-2, and HS-3). No additional mitigation measures beyond those identified in the EFSP EIR are necessary.
- b) *Less than Significant Impact.* - Construction of the proposed project would involve the use of heavy equipment, which uses small amounts of oils and fuels and other potentially flammable substances that are typically associated with construction activities. The Contractor will be required to identify a staging area for storing materials and equipment. The proposed project would not, however, result in a significant risk of explosion or accidental release of hazardous substances and is therefore considered a less than significant impact.
- c) *Less than Significant Impact* - See EFSP EIR (13. Hazardous Substances, HS-1, HS-2 and HS-3). No additional remediation or mitigation measures beyond those identified in the EFSP EIR, are necessary.
- d) *Less than Significant Impact* - See EFSP EIR (13. Hazardous Substances, HS-1, HS-2 and HS-3). No additional remediation or mitigation measures beyond those identified in the EFSP EIR, are necessary.

- e) *No impact.* - The project is not within two miles of an airport nor would the project interfere with any adopted airport land use plans.
- f) *No impact.* - See e) above. The project is not in the vicinity of a private airstrip.
- g) *No impact.* - The project would result in the conversion of agricultural lands to residential subdivisions. The project would not impede any adopted emergency response plans or evacuation plans.
- h) *No impact.* - The project site is currently rural pasture land that is not adjacent to wildlands. Approval of the project would not risk exposure of people or structures to wildland fires.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VIII. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Existing Setting

Drainage

The EFSP Area is located within a large drainage basin which flows from Highway 99 in the east to Interstate 5 in the west. This basin is separated into three artificially created sub-basins from north to south. All three sub-basins drain directly into the Beach-Stone Lakes area but do so at three distinctly different points under Interstate 5. The northern drainage basin contains approximately 4,291 acres, the central basin contains 2,665 acres, and the southern basin contains 8,411 acres.

The EFSP Area is relatively flat but does drain gradually from east to west at a slope of approximately 0.15 percent. The highest elevation is 38.0 located on Bruceville Road approximately 800 feet south of Poppy Ridge Road. The lowest point in the Plan area is at elevation 14.8 located immediately east of the Union Pacific Railroad tracks approximately 2,000 feet north of Bilby Road.

All traces of natural drainage patterns east of Franklin Boulevard have been erased by 80 years of agricultural practices. Storm water run-off is channeled into agricultural or roadside ditches where it frequently overtops its banks. However, downstream of Franklin Boulevard, the drainage courses have remained mostly undisturbed meandering swales.

The three main drainage basins function as noted below:

1. Northern Drainage Shed:

Agricultural drainage run-off from the east enters the northern drainage basin of the Plan Area through a 48-inch corrugated metal pipe under Bruceville Road. During higher flow events, the single pipe becomes surcharged creating a backwater conditions which overtops Bruceville Road. Flows continue to the west within the Plan area through agricultural and roadside ditches approximately 1.3 miles to the confluence with the Laguna South Channel. This channel carries
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468 acres of developed flows from mostly developed property north of Elk Grove Boulevard into the Plan area through twin 84-inch concrete pipes. The flows from the east and north are combined and flow southeasterly within a trapezoidal channel to just westerly and downstream of Franklin Boulevard. At this point, an earth and rock dam was created with the channel construction in an attempt to mitigate for a potential loss of wetlands upstream. Beyond the dam, the trapezoidal channel continues to just upstream of the Union Pacific Railroad bridge where the channel banks at this point and resumes flow to the southwest within an existing meandering swale. The drainage continues approximately 2.3 miles before flowing under Interstate 5 in a triple 8'x 12' reinforced concrete box culvert directly into Beach-Stone Lakes.

2. Central Drainage Shed:

Agricultural drainage enters the central drainage basin of the Plan area from the east through twin 54-inch corrugated metal pipes under Bruceville Road. These flows move westerly through the northern sub-basin within agricultural ditches for approximately 2.4 miles to a point of confluence with the central sub-basin to the east of and adjacent to the Union Pacific Railroad tracks.

The central sub-basin of the central drainage shed originates along the westerly side of Bruceville Road. Drainage run-off in this basin flows westerly through agricultural ditches for approximately 2.4 miles before joining the north sub-basin at the confluence point.

The north and central sub-basins combine at the confluence point and flow under the tracks through a 60-inch corrugated metal pipe approximately 4,000 feet north of Bilby Road. Moving westerly, the flows pass under a bridge at Franklin Boulevard and move southwest within a swale roughly 4,600 feet to a point of confluence with the southern sub-basin.

Westerly flow begins in the south sub-basin of the central drainage shed approximately 1,900 feet east of the Union Pacific Railroad tracks. The drainage passes under the tracks through a 60-inch corrugated metal pipe and under a Franklin Boulevard bridge. Both the bridge and the culvert are roughly 1,500 feet north of Bilby Road. The flow enters a meandering swale and moves to the west for approximately 2,400 feet to the point of confluence with the north and central sub-basins.

The drainage flows combine and move to the southwest in a meandering swale. Approximately 3,000 feet downstream of the confluence the channel is constricted and a pond was created to support an agricultural use. This constriction has created a significant backwater effect which floods the adjacent properties during high flow events. The flows continue to the west approximately 4,200 feet where they pass under Interstate 5 through triple 10'x 12' reinforced concrete box culvert directly into Beach-Stone Lakes.

3. Southern Drainage Shed:

Approximately 460 acres of the southerly portion of the Specific Plan area lies within the 8,400-acre Southern Drainage Shed. This area is further divided into two sub-basins. The east sub-basins contains 380 acres and receives 59 acres of agricultural drainage run-off from the easterly side of Bruceville Road. The west sub-basin contains 80 acres and receives no offsite flows.

The east sub-basin is further divided into three sub-basins which flow southerly to Bilby Road in agricultural ditches. The east sub-basin contains 171 acres and combines with 59 acres of agricultural drainage run-off from the easterly side of Bruceville Road before passing under Bilby Road through twin 24-inch corrugated metal pipes. The central sub-basin contains 209 acres

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and passes under Bilby Road in a 36-inch corrugated metal pipe. These drainage flows combine at a point approximately 3,900 feet south of Bilby Road well south of the Plans area.

The flows continue westerly combining with other flows from the east flowing approximately 2.1 miles passing under the Union Pacific Railroad tracks and Franklin Boulevard before reaching the confluence with the west sub-basin of the southern drainage basin.

Westerly flow in the west sub-basin of the southerly drainage basin begins 1,700 feet east of the Union Pacific Railroad tracks. The drainage passes under the tracks through a 60-inch corrugated metal pipe and under Franklin Boulevard through a double 3'x 1.5' reinforced concrete box culvert. The drainage continues to the west in a meandering swale for approximately one mile before reaching the confluence with the remainder of the southern drainage shed. The flows combine and continue to the west in a meandering swale for another mile before passing under Interstate 5 through quadruple 10'x15' reinforced concrete box culverts and directly into Beach-Stone Lakes.

Water Supply

Sacramento County Water Agency (SCWA) has indicated that water for this project will be provided by the Poppy Ridge (Whitelock Parkway) Water Treatment Plant and the Franklin Boulevard Water Treatment Plant. The project site although not yet within the City limits is already annexed in Zone 40 and included in the Zone 40 Water Supply Master Plan.

Discussion of Impacts

- a) *Less than Significant Impact* - See EFSP EIR Appendices WS-1, WS-2 and WS-3. Water quality standards and waste discharge requirements have been addressed in the EFSP and EIR Appendices and Mitigation Measures. No greater impact to water quality standards and waste discharge requirements other than those anticipated in the EFSP EIR are expected and their assigned mitigation measures in the EFSP would reduce the impact to less than significant level.
- b) *Less than significant impact* - See EFSP EIR Appendices WS-1, WS-2 and WS-3. While ground water supplies will be used to provide a portion of the water serving the EFSP area, no impacts beyond those identified in the EFSP EIR are foreseen and mitigation measures identified in the EFSP EIR are sufficient to mitigate potential impacts to a less than significant level.
- c) *Less than significant impact* - See EFSP Chapter 7 Hydrology and Drainage, EFSP EIR Appendices WS-1, WS-2 and WS-3. The EFSP EIR identified significant and unavoidable impacts related to hydrology and drainage and identified mitigation measures to reduce the impacts; also, see discussion above in a and b).
- d) *Less than Significant Impact*. See EFSP Chapter 7 Hydrology and Drainage, EFSP EIR Appendices WS-1, WS-2 and WS-3 and see discussion above in c). The EFSP EIR applied Mitigation Measure HD-1 to address the increased flooding hazard. This mitigation measure revises the (draft) Public Facility Financing Plan (PFFP) to allow fees to be collected from project proponents to implement measures to reduce downstream flooding damage. Measures could include but are not limited to purchasing flood insurance, establishing contingency funds for buy-outs, flood proofing, or implementing a Beach-Stone Lakes Flood Control Plan. Even with Mitigation Measure HD-1 applied to the (EFSP) project, the

environmental impact of increased flooding hazards to the EFSP area has been determined to still be significant and unavoidable. No greater impact beyond that described from the EFSP EIR is anticipated as a result of the Franklin Crossings development.

- g) *Less than Significant Impact.* See EFSP Chapter 7 Hydrology and Drainage, EFSP EIR Appendices WS-1, WS-2 and WS-3 and see discussion above in d).
- h) *Less than Significant Impact.* See EFSP Chapter 7 Hydrology and Drainage, EFSP EIR Appendices WS-1, WS-2 and WS-3 and see discussion above in d).
- i) *No Impact.* See EFSP Chapter 7 Hydrology and Drainage, EFSP EIR Appendices WS-1, WS-2 and WS-3 and see discussion above in d).

IX. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

- a) *Less than Significant Impact.* The Franklin Crossings project as described herein, is an 86.4 acre component of the approved 2,474 +/- acre East Elk Grove Specific Plan Area. The project does not divide an established community, but is a continuation of development of suburban land uses south of Elk Grove Boulevard. Approval of the project will enable the development of the general land uses expected with adoption of the EFSP.
- b) *Less than Significant Impact.* The Franklin Crossings project is consistent with the EFSP and the General Plan and, therefore, would not conflict with the any land use plan or any applicable policies or regulations. The project will be Prezoned to be consistent with the EFSP land use designations of RD-4, RD-5 and O. For the purpose of this study the impact is found to be less than significant.
- c) *No Impact.* See EFSP EIR and Appendices. The City of Elk Grove does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, the project would have no impact on these types of plans.

X. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

- a) *No impact.* No significant mineral resources have been identified in the project area.
- b) *No impact.* No significant mineral resources are identified in the General Plan or other land use plan.

XI. NOISE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The environmental noise analyses prepared for the EFSP EIR by Bollard Acoustical Consulting and the noise analysis prepared for the Franklin Crossings project by Bollard & Brennan, Inc. formed the basis of this analysis. The Franklin Crossings Environmental Noise Analysis that is dated June 29, 2004 is attached at the end of this Initial Study. As stated in the studies, motor vehicle traffic is the major contributor to the existing noise environment in the EFSP area. Major vehicular noise the EFSP area occurs along Elk Grove Boulevard, Franklin Boulevard, Bruceville Road and, to a less extent, Bilby Road. Another major noise source in the EFSP area occurs along the Union Pacific Railroad Tracks as a result of train movement and operations along the railroad tracks.

Discussion of Impacts

a) *Less Than Significant With Mitigation Incorporated.* Future traffic on Bilby Road, future Franklin Road and future Kammerer Road, and trains on the WPRR tracks are considered to be potentially significant noise sources which may impact the project design.

For noise generated by transportation noise sources, the City of Elk Grove General Plan Noise Element establishes a land use compatibility criterion of 60 dB L_{dn} or less at outdoor activity areas of residential land uses. The intent of this standard is to provide an acceptable noise environment for outdoor activities. An exterior transportation noise exposure level of up to 65 dB L_{dn} may be allowed in outdoor activity areas provided that all available exterior noise reduction measures are applied. In addition, the interior noise level criterion of 45 dB L_{dn} is applied to residential land uses, regardless of exterior noise exposure. Residential uses subject to noise from railroad tracks, aircraft overflights or similar noise sources which produce clearly identifiable, discrete noise events have a 40 dB L_{dn} interior noise criterion. The intent of the interior standards is to provide a suitable environment for indoor communication and sleep.

Outdoor Traffic Noise: Bollard & Brennan employed the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA RD-77-108) for the prediction of traffic noise exposure. The results of this analysis are identified in **Table 1** below. As shown in the table, residences would be setback 75 feet, 110 feet and 105 feet from the centerlines of Bilby Road, Franklin Boulevard and Kammerer Road (east end), respectively, and 60 dB L_{dn} City noise standard would be exceeded at the project site unless mitigation is incorporated.

**TABLE 1
FUTURE (2025) TRAFFIC NOISE EXPOSURE**

Roadway	Distance from Centerline (feet)	L _{dn} (dB) - First Floor/Second Floor
Bilby Road	75	63/65
Franklin Boulevard	110	66/68
Kammerer Road (East End)	105	70/73

Note: Analysis of traffic noise exposure on the project site from the Kammerer Road overpass of the WPRR tracks may be completed once engineering data for this section of the roadway is available.
 Source: Bollard & Brennan, 2004

Table 2 below shows the noise levels at individual residential lots with installation of 6-foot, 6-foot and 10-foot noise barriers along Bilby Road, Franklin Boulevard and Kammerer Road, respectively. The noise analysis shows that exterior noise levels would comply with the General Plan Noise Element noise level criterion with installation of noise barriers.

**TABLE 2
 SUMMARY OF NOISE BARRIER CALCULATION RESULTS ASSOCIATED WITH TRAFFIC NOISE**

Noise Source	Tentative Map Lot Numbers	Noise Barrier Height ¹ (feet)	L _{dn} , dB
Bilby Road	54-63	6	57
Franklin Boulevard	44-45 & 43-57	6	60
Kammerer Road ²	57-62, 19-26 & 90	10	60

¹ Barrier heights are with respect to building pad elevations. Building pad elevations are assumed to be at grade with perimeter roadways (except Kammerer overpass).

² A specific analysis of traffic noise exposure and mitigation for the proposed Kammerer Road overpass of the WPRR will be required once engineering for this section of the roadway is complete.
 Source: Bollard & Brennan, 2004

Outdoor Railroad Noise: To quantify railroad noise exposure on the project site, Bollard & Brennan conducted an automated 24-hour noise level measurement session near the project site on June 2nd to 3rd, 2004. The measurement site was located on the west side of the project site, approximately 150 feet from the center of the WPRR tracks. Total noise exposure at the measurement site was recorded to be approximately 72.6 dB L_{dn}, with approximately 72 dB L_{dn} from assumed railroad activity (approximately 87 percent of the total noise energy or 13 train events). Bollard & Brennan calculated that WPRR noise exposure would be approximately 69 dB L_{dn} and 73 dB L_{dn}, respectively at the closest proposed individual outdoor activity areas on the northwest and southwest sides of the project site. It is expected that this exposure will be approximately 2 dB higher at second floor building elevations. Therefore, second-floor building facades directly adjacent to the WPRR tracks would likely be exposed to railroad noise levels of 71-75 dB L_{dn}. A noise barrier of 12-feet high would be required to reduce railroad noise levels in the backyards of the closest residences on the north side of the development to a state of compliance with the City's 60 db L_{dn} exterior noise level standard. Installation of noise barriers would lessen the potential noise impact to a less than significant level at residential backyards as shown in **Table 3** below.

**TABLE 3
 SUMMARY OF NOISE BARRIER CALCULATION RESULTS ASSOCIATED WITH RAILROAD NOISE**

Noise Source	Tentative Map Lot Numbers	Noise Barrier Height ¹ (feet)	L _{dn} , dB
Western Pacific Railroad	63-79	12	60
		11	65
	58-69	12	64
		18	60

¹ Barrier heights are with respect to building pad elevations. Building pad elevations are assumed to be 3 feet below tracks.

Source: Bollard & Brennan, 2004

Mitigation Measure 5 (Noise - Exterior)

The project applicant shall construct a sound attenuation barrier along Bilby Road, Franklin Boulevard, Kammerer Road and the Western Pacific Railroad (WPRR) as specified below and in accordance with City standards to mitigate potential transportation noise impacts.

Monitoring Action

Prior to the issuance of any building permits, the applicant shall construct the noise barriers 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 a 6-foot high noise barrier at the property line along Bilby Road and Franklin Boulevard.
- Construct a 10-foot high noise barrier at the property line along future Kammerer Road (east end). A property line or overpass barrier will be required to mitigate future Kammerer Road overpass noise exposure on the project site. Noise exposure calculations and recommendations for noise mitigation for this overpass may be completed once specifics regarding the overpass design (elevations, etc.) are available. These noise barriers shall be a combination of earthen berms, soundwalls, and plan materials intended for sound attenuations. The construction and installation of the barriers shall be completed prior to the issuance of building permits.
- Construct a 12-foot high property line noise barrier along the north section of the WPRR tracks (Lots 63-79). Construct an 18-foot high property line noise barrier along the south section of the WPRR tracks (Lots 58-69). These noise barriers shall be a combination of earthen berms, soundwalls, and plan materials intended for sound attenuations. These barriers should intersect the Kammerer Road overpass of the WPRR, with no gaps at the intersection points. The construction and installation of the barriers shall be completed prior to the issuance of building permits.

Timing/Implementation: Prior to issuance of building permits.

Enforcement/Monitoring: City of Elk Grove Development Services – Planning and Building.

Implementation of the above mitigation measure would lessen potential adverse impacts from traffic and railroad noise at residential exteriors to a less than significant level.

Interior Noise: Typical residential construction practices consistent with the Uniform Building Code (UBC) will provide an exterior-to-interior noise level reduction of no less than 25 dB, provided that windows and exterior doors are closed.

Future (2025) interior noise exposure is expected to be 45 dB L_{dn} or less within all proposed first-floor residences, assuming the construction of the recommended noise barriers. Future (2025) exterior noise exposure at second-floor building facades closest to the east end of the future Kammerer Road and the WPRR tracks is expected to exceed 70 dB L_{dn} , regardless of exterior noise-mitigating construction; and, therefore, interior noise levels would exceed the General Plan noise level criterion of 45 dB for traffic noise and 40 dB for railroad noise. This is considered a potentially significant impact unless mitigation is incorporated.

Mitigation Measure 6 (Noise - Interior)

For residential units along the east end of future Kammerer Road (lots 27-58 and 63-79) and along the Western Pacific Railroad tracks (lots 58-69 and 63-79), building facade noise reduction will be required to achieve an interior noise level of 45 dB L_{dn} along the eastern end of future Kammerer Road and 40 dB L_{dn} along WPRR consistent with the City of Elk Grove General Plan noise level criterion. Acoustical insulation, building materials, unit placement from the noise

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source and/or other construction techniques shall be incorporated into the building plans for these units to meet the thresholds for acceptable noise levels and compliance with the General Plan Noise Element.

Monitoring Action

Prior to the issuance of any building permits, the applicant shall submit plans and details to Development Services, Planning that adequately describes the acoustical insulation, building materials, unit placement from the noise source and/or other construction techniques required to meet the thresholds for acceptable noise levels prior to residential occupancy.

Timing/Implementation: Prior to issuance of building permits.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning and Building.

Implementation of the above mitigation measure would lessen potential interior noise level impacts to a less than significant level.

b) *Less Than Significant with Mitigation Incorporated.* Construction of the residential development as proposed would involve the creation of noise and groundborne vibration and exposure of residences in the vicinity of the WPRR to groundborne vibration, which could exceed acceptable noise levels as established in the City's Noise Control regulations. However, the incorporation of Mitigation Measure 6 above would reduce impacts to a less than significant level.

c) *Less Than Significant Impact.* The development of residences would not result in the creation of significant, permanent noise levels. Project-related traffic would have a less than significant discernable impact on existing noise levels. Development of the proposed site would result in a temporary increase in noise due to construction; however, the City's Noise Ordinance restricts such activities to daytime hours. Overall, the project is not expected to generate excessive noise levels or expose the people residing in the vicinity to excessive noise. Impacts to ambient noise levels are expected to be less than significant.

d) *Less Than Significant Impact.* Project construction would result in a temporary increase in ambient noise levels in the vicinity of the project site. The impact would be considered less than significant based on the temporary nature of these activities, limits on the duration of noise, and evening and nighttime restrictions imposed by the City Noise Control Ordinance (Chapter 6.68 of the City Code).

e-f) *No Impact.* The proposed project is not located within two miles of a public airport or public use airport nor in the vicinity of a private airstrip. Therefore, there is no potential for adverse noise impacts related to aircraft noise.

XII. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

- a) *Less than Significant Impact.* See EFSP and EIR. The 2,474-acre EFSP directly provides for population growth to this region of Elk Grove in excess of 10,000 housing units. The 86.4 acre Franklin Crossings project is an anticipated component of the EFSP and will have no more of an impact to inducing population growth than that already identified in the EFSP and EIR. Therefore for purposes of this study has been determined to be less than significant.
- b) *No Impact.* See EFSP, EIR and discussion in a) above. The project site would not contain any residential units. The Franklin Crossings project does not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- c) *No Impact.* See EFSP and EIR and discussion in a) above. The project site would not contain any residential units. The Franklin Crossings project does not displace substantial numbers of existing people, necessitating the construction of replacement housing elsewhere.)

XIII. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project result in:

Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Existing Setting

As introduced in the Project Description to this Initial Environmental Study, The EFSP and its accompanying EIR specify anticipated residential, commercial and institutional land uses, and the needed infrastructure and financing systems to support an anticipated new population of over 10,000 residents. Mitigation measures were incorporated in the EFSP EIR (Public Services, 6-34) outlining how new public services such as Fire and Police protection and new school capacity need to be provided for.

The project applicant has requested annexation of the project site into the City of Elk Grove. Services provided to the project area would include but are not limited to Elk Grove Police Department, EGCSF Fire, EGUSD, EGCSF Parks and Recreation. Approval of this annexation request by Sacramento County LAFCO is required before the project can receive services.

Development of the proposed project will result in increased costs to the City for the provision of police and other governmental services. A portion of these costs will be funded by tax revenues generated from the proposed project. The project has been conditioned to annex into Mello-Roos Community Facilities District 2003-1 (Poppy Ridge CFD) prior to final map to fund infrastructure as well as the additional costs of police service related to serving the new proposed project that are not funded by other sources. The project has also been conditioned to annex into Street Maintenance Assessment District No. 1 prior to final map to fund the additional costs for long-term roadway maintenance related to serving the new proposed project. The development of infrastructure will be financed through a variety of development impact fee programs and the Poppy Ridge CFD. The general fund will not be used to pay for any of the infrastructure costs of this project.

Discussion of Impacts

- a) *Less than Significant Impact.* See EFSP EIR: Public Services Section 6, and dialogue above. The EFSP EIR identified that the potential for inadequate water supply to meet fire flow standards as a potentially significant impact. Mitigation included in the EFSP EIR would reduce the impact to less than significant.
- b) *Less than Significant Impact.* See EFSP EIR: Public Services Section 6, and dialogue above. The EFSP EIR identified less than significant impacts to police protection.
- c) *Less than Significant Impact.* According to the Facilities and Planning Manager of the EGUSD, "The District is currently impacted, overcrowded and experiencing a high rate of growth. The District does not have the financial capability to purchase school sites nor construct and furnish needed school facilities created by this and or other development projects. State funding is unpredictable and inadequate and the developer fees and Mello-Roos taxes collected by the district are not sufficient to satisfy the need."

In the case of Franklin Crossings the EGUSD identified a negative financial impact upon the district of \$2.1 million. This is the difference between the \$4.4 million expected land construction and furnishing costs, less the \$2.3 million in School Residential Development Fees generated by the project.

In the past, such a financial shortfall, or "impact" to the provision of a public service, could have been used to delay or deny development proposals by a local agency such as a City. However, this authority has been removed from cities by state law. Sections 65996 and 65997 of the California Planning and Zoning Laws address the "exclusive provisions for mitigating impacts on schools."

- Section 65996(b) of the California Planning and Zoning Law Government Code. "The provisions of this chapter are hereby deemed to provide full and complete school facilities mitigation and notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources Code, or any other provision of state or local law, a state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, on the basis that school facilities are inadequate."

Currently, to provide new schools the District is dependent upon state funding (41%) as well as developer fee funds (40%) and local bond funds (19%). The Franklin Crossings project would be required to pay statutory development fees prior to the issuance of building permits for the proposed single family residential construction. Therefore, with the payment of statutory fees, and Section 65996 of the Planning and Zoning Laws, the impacts are anticipated to be less than significant.

- d) *Less than Significant Impact.* See EFSP EIR: Public Services Section 6, and dialogue above. There are no greater impacts to the provision of Parks and Open Space than the impacts identified by the EFSP EIR as not significant.
- e) *Less than Significant Impact.* See EFSP EIR: Public Services Section 6, and dialogue above. There are no greater impacts to the provision of other public services than those already identified by the EFSP EIR.

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XIV. RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

- a) *Less than Significant Impact.* See EFSP (Parks 4-7). The Franklin Crossings project would have no impact on recreational resources beyond that already identified in the EFSP EIR which notes that the EFSP provides adequate parks and recreation facilities and would not result in a significant impact to parks and recreation services.
- b) *Less than Significant Impact.* See EFSP (4-7). The Franklin crossings project does include recreational facilities such as the establishment of a mini park, which would have no greater impact on the environment beyond the impacts already identified in the EFSP EIR as a result of the development of the EFSP.

XV. TRANSPORTATION/TRAFFIC

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Existing Setting

From the EFSP EIR (Traffic and Circulation 10-1): "The urbanization of the EFSP will significantly increase the traffic generated from this property (EFSP Area). This increase in traffic would be introduced on to a road system that is partially rural in character in the vicinity of the site, but is now heavily used to carry traffic from new residential developments recently approved. Sixteen Traffic and Circulation mitigation measures have been adopted for the EFSP, with which this Franklin Crossings project will have to comply. Those mitigation measures are TC-1 through TC-16 and generally provide for improvements to roads that would serve the EFSP area (Franklin Road, Hood Franklin Road, Bruceville Road Bilby Road, Poppy Ridge Road, and Elk Grove Boulevard) as well as modifying the SR 99 ramps and providing fair share funding for a HOV lane on SR 99.

Discussion of Impacts

- a) *Less than Significant Impact.* See Transportation and Circulation Section 10 of the EFSP EIR, and dialogue above. The Franklin Crossings project is consistent with the land uses included in the EFSP and the trips generated by this project are included in the traffic and circulation analysis presented in the EFSP EIR.
- b) *Less than Significant Impact.* See Transportation and Circulation Section 10 of the EFSP EIR, and dialogue above in Environmental Setting.
- c) *No Impact.* The project would not affect air traffic patterns.
- d) *Less than Significant Impact.* The roads would be designed consistent with City standard road templates and the street sections approved in the EFSP. Therefore, there are no increases in hazards that can be attributed to transportation design features.
- e) *No Impact.* The project would not affect emergency access.
- f) *Less than Significant Impact.* The proposed single family residential units would be required to meet standard parking standards established in the Elk Grove Zoning Code. Therefore, approval of the project would not result in inadequate parking supply.

- g) *No impact.* The proposed project includes an extension network of on-street bicycle lanes and off-street bicycle/pedestrian paths. These facilities are designed to interconnect with the planned bicycle facilities identified in the Draft EIR for the 2010 Sacramento City/County Bikeway Master Plan (September 1992) as stated in the EFSP EIR (10-56).

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Existing Setting

As introduced in the Project Description to this Initial Study, the EFSP and its accompanying EIR specify anticipated residential, commercial and institutional land uses, and the needed infrastructure and financing systems to support an anticipated new population of over 10,000 residents. Extensive conditions and mitigation measures were incorporated in the EFSP EIR

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outlining the processes of which new systems and conveyances must be designed, approved and implemented for the EFSP area.

The City of Elk Grove utility and service system providers have reviewed the Franklin Crossings project and have returned comments that will translate into project level conditions of approval suggested for the project in the context of required utility and service system mitigations for the EFSP. No comments were identified indicating any Utility or Service Systems impacts greater than already established with approval of the Plan, the EIR or those impacts acknowledge by the Sacramento County Board of Supervisors with Statements of Overriding Considerations. The project site will be required per a condition of approval to annex into the Storm Water Utility Fee Program Area. The project area will also be served by other utility companies that provide services such as garbage service, gas and electricity, water, and sewer.

Discussion of Impacts

- a) *Less than Significant Impact.* See EFSP EIR: Sewer Service Section 9, and the dialogue above. The EFSP and EFSP EIR provide for the development of additional sewer facilities in order to meet wastewater treatment requirements. The proposed project would not have any additional impact beyond that identified in the EFSP EIR.
- b) *Less than Significant Impact.* See EFSP EIR: Water Supply Section 8, Sewer Service Section 9, and the discussion in a) above and d) below. The EFSP and EFSP EIR include provisions for the development of additional sewer facilities to serve the EFSP. The EFSP EIR identifies that the construction of these facilities would have a potentially significant impact on wetlands and also identifies impacts to landscaped corridors and other facilities that would be mitigated to less than significant. The proposed project would not have any additional impact beyond that identified in the EFSP EIR.
- c) *Less than Significant Impact.* See EFSP EIR: Hydrology and Drainage Section 7. The EFSP would require development of drainage facilities and improvements; the environmental impacts of construction of these drainage facilities was found to be a potentially significant impact in the EFSP EIR; the proposed project would not result in impacts beyond those identified in the EFSP EIR. Also, the City's Water Resource Department would condition the project to provide adequate drainage for each parcel in conformance with the above referenced General Plan policies, thereby insuring a less than significant impact.
- d) *Less than significant impact.* Water demand is to be met by using a combination of groundwater, surface water and recycle water. The ultimate supply mix is intended to be similar to the recommended water supply alternative described in the Zone 40 Water Supply Master Plan Update. See EFSP EIR: Water Supply Section 8, Sewer Service Section 9, and the dialogue above. According to the Water Supply Impact analysis included with the EFSP, " it is anticipated that the long term water supply needs of the EFSP will be met through the conjunctive use of surface water and groundwater." See Section VIII, Hydrology and Water Quality, of this Initial Study for additional information on water infrastructure needed to service the EFSP area.

Review of the Franklin Crossings project did not identify greater impacts to providing a sufficient water supply than those impacts already identified by the EFSP EIR. Also, the City's Department of Water Resources has condition the project to provide adequate water for each parcel in conformance with the above referenced General Plan policies, thereby insuring a less than significant impact.

- e) *Less than Significant Impact.* See EFSP EIR: Sewer Service Section 9 and the discussion in a) above. Based on the proposed land use plan and the criteria of the Sacramento County Design Standards, the total Specific Plan-generated sewage discharge would be 10.39 MGD at full build-out including the upstream shed area. Although there is presently no public sewer system available for the proposed project, planned sewer lines and the future interceptor construction will provide sufficient capacity to accommodate sewage flows from Specific Plan build-out. Specific Plan development will be required to construct necessary infrastructure facilities to accommodate sewage flows from proposed land uses. Because the area is already identified in the General Plan for urban growth and planned for urban services, and because ultimately planned facilities will fully accommodate sewage flows from the area, long term project impacts on planned sewer service are not considered significant. Review of the Franklin Crossings project did not identify greater impacts to providing a sufficient water supply than those impacts already established by the EFSP. Also, County Sanitation District 1 staff will condition the project to provide adequate sewer service for each parcel in conformance with the above referenced General Plan policies, thereby insuring a less than significant impact.
- f) *Less than Significant Impact.* See EFSP EIR: Public Services Section 6. According to the conclusions of the Solid Waste Disposal Section of the Plan, "ultimate development of the Plan area can be expected to result in 88.6 tons of solid waste per day. This additional waste generated by development within the project area will contribute incrementally to the loss of landfill capacity in the County. However, this contribution to the waste stream was accounted for and planned for in the landfill design capacity. As stated in the EFSP EIR, no significant impacts to waste collection or disposal are expected from implantation of the project (that is, the EFSP). As a component of the EFSP, there would be no greater impacts to local solid waste disposal facilities than those already identified in the EFSP EIR.
- g) *Less than Significant Impact.* See EFSP EIR: Public Services Section 6, and the discussion above in f). The project would comply with federal, state and local statutes and regulations related to solid waste. No significant impacts to waste collection or disposal are expected from this project.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the EIR process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

- a) *Less Than Significant With Mitigation Incorporated.* This initial study found that the proposed project will potentially impact the environment in the areas of biological resources, cultural resources and noise, however, these potential impacts would be reduced to a less than significant level with the implementation of Mitigation Measures 1 through 6 as described in more detail under Section IV: Biological Resources, Section V: Cultural Resources and Section XI: Noise of this IS/MND. Significant adverse impacts to fish, wildlife, or plant species including special status species are not anticipated.
- b) *Less Than Significant.* Cumulative impacts were analyzed in the EFSP EIR. The proposed project would contribute to cumulative biological resource, cultural resource and noise impacts within the EFSP area; however, implementation of the proposed mitigation measures identified in this Initial Study would mitigate the project's contribution to a cumulative loss of these resources to a less than significant level. Implementation of the proposed project would not contribute to cumulative environmental impacts that were not already considered in the EFSP EIR.

- c) *Less Than Significant*. The project would be consistent with the City's General Plan and the EFSP and would not create any significant impacts. The proposed project may temporarily impact the area by construction-related air quality and noise impacts. However, by implementing basic regulatory requirements, these impacts would be effectively mitigated to a less than significant level. All project impacts would be reduced by adhering to basic regulatory requirements and/or mitigation measures incorporated into the project. Therefore, the proposed project would not have any direct or indirect adverse impacts on humans.

REFERENCES

1. Sacramento County Department of Environmental Review and Assessment. August 1999. East Franklin Specific Plan Draft Environmental Impact Report. Sacramento, CA.
2. Sacramento County Planning Department. April 28, 2000. East Franklin Specific Plan. Sacramento, CA.
3. City of Elk Grove. 2003. City of Elk Grove General Plan. Elk Grove, CA.
4. City of Elk Grove Zoning Code
5. Wetland Delineation and Special Status Species Evaluation, Gibson and Skordall
6. Tree Report, Sierra Nevada Arborists
7. Environmental Site Assessment, Wallace Kuhl and Associates
8. Noise Analysis, Bollard and Brennan, Inc.

