



**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION**

New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name: Elder Creek Business Park No. 2
Project Number: P07-100
Project Location: 8651 Morrison Creek Drive
Assessor's Parcel No.: 064-0020-113
Applicant: Tracy Stigler, Buzz Oates Construction, (916) 381-3600, 8615 Elder Creek Road, Sacramento, CA 95828.
Action Status: Approved Action Date: 02/14/2008

**REQUESTED
ENTITLEMENT(S):**

- A. Environmental Determination: Negative Declaration;
- B. Mitigation Monitoring Plan;
- C. Tentative Subdivision Map to subdivide one lot totaling approximately 12 net acres into 14 lots in the Heavy Industrial (M-2S) zone.

ACTIONS TAKEN:

On 02/14/08, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:
Approved items A-C

Action certified by:


David Kwong, Planning Manager

Sent to Applicant: 02/15/2008

By: 
Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC 18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC 18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC

18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

PLAN REVIEW: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

APPEALS

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 02/25/08. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

Findings Of Fact

A. Environmental Determination: Negative Declaration

1. The Planning Commission of the City of Sacramento finds as follows:

The Project initial study identified potentially significant effects of the Project. Revisions to the Project made or agreed to by the Project applicant before the proposed mitigated Negative Declaration and initial study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned may have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:

a. On 12-27-07 a Notice of Intent to Adopt the MND (NOI) was circulated for public comments for 30 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.

b. On 12-27-07 the project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.

2. The Planning Commission has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The Planning Commission has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.

3. Based on its review of the MND and on the basis of the whole record, the Planning Commission finds that the MND reflects the Planning Commission's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.

4. The Planning Commission adopts the MND for the Project.

5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the Planning Commission adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.

6. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

7. The documents and other materials that constitute the record of proceedings upon which the Planning Commission has based its decision are located in the City of Sacramento Development Services Department, Environmental Planning Services, 915 I Street, 3rd Floor Sacramento, CA 95814. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services.

B. The Tentative Subdivision Map to subdivide one lot totaling approximately 12 net acres into 14 lots in the Heavy Industrial (M-2S) zone is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision;

2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, and Chapter 16 of the City Code, which is a Specific Plan of the City. The proposed City General Plan Amendment designates the subject site for Heavy Commercial or Warehouse uses;

3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision; and

4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

Conditions Of Approval

C. The Tentative Subdivision Map to subdivide one lot totaling approximately 12 net acres into 14 lots in the Heavy (M-2S) zone is hereby approved subject to the following conditions of approval:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P07-100). The design of any improvement not covered by these conditions shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Développement Engineering and Finance Division.

The City strongly encourages the applicant to thoroughly discuss the conditions of approval for the project with their Engineer/Land Surveyor consultants prior to City Planning Commission approval. The improvements required of a Tentative Map can be costly and are completely dependent upon the condition of the existing improvements. Careful evaluation of the potential cost of the improvements required by the City will enable the applicant to ask questions of the City prior to project approval and will result in a smoother plan check process after project approval

GENERAL: All Projects

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.
2. Private reciprocal ingress, egress, maneuvering and parking easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, at no cost, at the time of sale or other conveyance of either parcel.
3. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P07-100).
4. Show all continuing and proposed/required easements on the Final Map.
5. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition.

DEF: Streets

6. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering Division.
7. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight

distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering Division.

8. Construct traffic signals at the following intersections when warranted, or when required by the Development Engineering Division (if not already in place):

a. Morrison Creek Drive and Florin Perkins Road

NOTE: The Development Division shall determine the need for signals, based on CalTrans signal warrants and known pending development projects prior to the Issuance of any building permit. If required, signals shall be constructed as part of the public improvements for the Final Map. Signal design and construction shall be to the satisfaction of the Development Engineering Division and may be subject to reimbursement. The applicant shall provide all on-site easements and right-of-way needed for turn lanes, signal facilities and related appurtenances. The applicant shall install CCTV cameras and all necessary appurtenances if deemed necessary by and to the satisfaction of Traffic Engineering Services.

9. The applicant shall submit a signal design concept report (SCDR) per section 15.18 of the Cities Design and Procedures Manual to the Development Engineering Division for review and approval prior to the submittal of any improvement plans involving traffic signal work. The SCDR provides crucial geometric information for signal design and should be started as early as possible to avoid delays during the plan check process.

10. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering Division. The center lines of such streets shall be aligned.

11. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division

DEF: Private Streets

12. Design private streets to meet the City standards.

13. Provide a standard driveway at the entrance to the private street.

14. Design gated entrances to allow vehicles to turn around without backing onto, to the satisfaction of the Traffic Engineer and the Fire Department;

15. Secure gated entries in a manner approved by the Fire and Police Departments.

PUBLIC/PRIVATE UTILITIES

16. Dedicate a 25-foot public utility easement for underground and overhead facilities and appurtenances adjacent to Irrevocable Offer of Dedication (IOD) – Morrison Creek Drive.

17. Dedicate any private drive/road, ingress and egress easement, 12.5 feet adjacent thereto as a public utility easement for overhead and underground facilities and appurtenances.

18. Label SMUD's transmission line easement as a "Restricted Building and Use Area".

19. The owner/developer must disclose to future/potential owners the existing SMUD 230kV and 69kV electrical facilities along North boundary.

20. Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement standards apply to sewer construction.

21. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required.
22. Sewer easements will be required. All sewer easements shall be dedicated to CSD-1 in a form approved by the District's Engineer. All CSD-1 sewer easements shall be at least 20-feet in width and ensure continuous access for installation and maintenance. CSD-1 will provide maintenance only in public right-of-ways and in easements dedicated to CSD-1.
23. Demonstrate the existence of, and if needed, abandon the existing easement along the subject property's southeast boundary and grant CSD-1 a sewer access and maintenance easement centered along the existing pipeline near the property's southeast boundary. Easements from adjoining parcels are not required.
24. Each parcel with a sewage source shall have a separate connection to the CSD-1 public sewer easement. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel shall have a separate connection to private on-site sewer line or CSD-1 public sewer line.
25. CSD-1 requires their sewers to be located a minimum of 10 feet (measured horizontally from edge of pipe to edge of pipe) from all potable water lines. Separation of sewer line from other parallel utilities, such as storm drain and other dry utilities (electrical, telephone, cable, etc.) shall be a minimum of 7-feet (measured horizontally from the center of the pipe to center of pipe). Any deviation from the above separation due to depth and roadway width must be approved by the district on a case by case basis. Prior to recording the Final map, the applicant shall prepare a utility plan that will demonstrate that this condition is met.
26. Gates, if used across CSD-1 easements, shall meet CSD-1 standards for accessibility.
27. All structures along private drives shall have a minimum of 10-foot setback (measured horizontally from edge of collector pipe to edge of structure) so that CSD-1 can properly maintain the sewer line.

CITY UTILITIES

28. Any new domestic water services shall be metered. Water taps can either be taken from the 12" water main in Morrison Creek Dr., in which case the point of service is the back of curb for separated sidewalks or the back of walk for connected sidewalks; or a public water main extension through the site may be approved by Utilities (provided that a 22' wide PUE for water only is recorded among other requirements) in which case the point of service for taps off the main extension would be the easement lines. Construction of water services shall be deferred until the time of Building Permit.
29. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.
30. Each parcel shall have a separate, metered irrigation service; or an owner or entity possessing an easement or other property right authorizing a common irrigation service for multiple parcels may request a common irrigation service for such parcels, and the Department of Utilities (DOU) may, in its sole discretion, approve a Utility Service Agreement to provide a common irrigation service, on such terms and conditions as may be determined by the DOU. The Utility Service Agreement will require the formation of a Business Owners Association (BOA) or CC&R's which appoint an operator.
31. The proposed development is located within County Sanitation District No. 1 (CSD1). Satisfy all CSD1 requirements.
32. An on-site surface drainage system is required and shall be connected to the public drainage system by means of a storm drain service tap. All on-site systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual). Construction of the on-site drainage system shall be deferred until the time of Building Permit.

33. A drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual is required and shall be submitted and approved by the DOU prior to or concurrent with submittal of improvement plans. Based on this study onsite detention may be required.

34. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.

35. Lot pad elevations shall be a minimum of 1.5 feet above the controlling overland release elevation or 1.2 feet above the 100-year HGL, whichever is higher. Finished lot pad elevations shall be accepted by the DOU.

36. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is not served by a regional water quality control facility and is greater than 1 acre, both source controls and on-site treatment control measures are required. On-site treatment control measures will affect site design and site configuration and therefore, should be considered during the early planning stages. Common water quality facilities shall be jointly maintained on such terms and conditions as described in the Agreement between the BOA or operator and the City, and as determined by the DOU.

37. The BOA shall be responsible for all aspects of maintaining common water quality facilities and landscaping. The applicant shall execute an agreement with the City, which delineates the maintenance responsibilities of the BOA. This agreement shall include a provision, which, in the event of the BOA's failure to adequately perform their maintenance responsibilities, allows the DOU to perform maintenance and be reimbursed for such maintenance by the BOA or operator. The Agreement shall be to the satisfaction of the DOU and the City Attorney.

38. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, stating that each parcel shall convey to the remaining parcels, as needed, private easements for water, storm drainage and water quality at no cost at the time of sale or other conveyance of any parcel. A note stating the following shall be placed on the Final Map: "THE PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORDED AGREEMENT FOR CONVEYANCE OF EASEMENTS IN BOOK _____, O.R. PAGE _____."

FIRE

39. All turning radii for fire access shall be designed as 35' inside and 55' outside.

40. Dead ends exceeding 150 feet in length require an approved Fire Department turnaround (45' radius cul-de-sac or city standard hammerhead).

41. Roads used for Fire Department access shall have an unobstructed width of not less than 20' and unobstructed vertical clearance of 13'6" or more.

42. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5.

MISCELLANEOUS

43. Title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere

with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City.

44. Form a Business Owners Association (BOA) or operator. CC&R's shall be approved by the City and recorded assuring maintenance of private roadway(s). The BOA or operator shall maintain all private streets, lights, common landscaping, and common areas.

ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

A. The proposed project is located in the Flood zone designated as an X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof.

B. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

C. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the fire suppression systems.

D. Separate fire services may be required at the time of Building Permit. City Code 13.04.570 requires that no fire service shall be installed across any parcel other than the parcel to which the service is being furnished, provided that the fire chief may, in his or her discretion, authorize a fire service line that serves more than one parcel, upon the recording of an agreement, in a form approved by the city, that fully provides for the operation, maintenance and repair of the line, and grants a permanent easement for these purposes, at no cost or liability to the city.

E. The applicant must determine if they are required to obtain the State "NPDES General Permit for Stormwater Discharges Associated with Industrial Activity". Applicant shall submit the determination to the Department of Utilities for approval. The submittal must include the applicable Standard Industrial Classification (SIC) code(s), which describe the business activities that will be occurring at the facility.

F. This project has disturbed greater than 1 acre of property, and the project was required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant filed a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepared a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP was reviewed by the Department of Utilities prior to issuing a grading permit or approval of improvement plans to assure that the following items were included: 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP, 6) certification by property owner or authorized representative. Post construction, stormwater quality control measures were incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area.

G. Any use of CSd-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the district's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District's Engineer prior to the use of the easement by the grantor. This includes landscaping.

H. Developing this property may require the payment of sewer impact fees. Applicant should contact the fee quote desk at (916).876-6100 for sewer impact fee information.

I. The following is a partial list of restrictions affecting the transmission line easement:

1. All cut, fill and grading within SMUD's easement must be conducted in a manner so that minimum horizontal and vertical clearances are maintained in accordance with California Public Utilities Commission General Order No. 95. Any violations shall be corrected at the owner's expense.
2. Vehicular access must be provided at all times.
3. All metal fixtures placed within the easement area must be properly grounded. A grounding plan shall be submitted to SMUD's Property Administrator for review and approval.
4. Tree, landscaping, light standards and equipment shall not exceed 15 feet in height within the easement area.
5. No structures or buildings are permitted within the easement area including swimming pools, spas, gazebos, wells and man-made reservoirs, lakes or similar bodies of water.

The above list is not all-inclusive and does not constitute SMUD's consent to use its transmission line easement. Such consent may be issued upon receipt, evaluation and approval of final plans and becomes effective when signed by the owner/developer.

**ELDER CREEK BUSINESS PARK NO. 2 (P07-100)
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Blvd., Ste. 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name/File Number: ELDER CREEK BUSINESS PARK NO. 2 (P07-100)

Owner/Developer/Applicant: Tracy Stigler
Buzz Oats Construction
8615 Elder Creek Road
Sacramento, CA 95828
Phone: (916) 381-3600

City of Sacramento Contact: Rochelle Hall, Assistant Planner
Environmental Planning Services
Development Services Dept
2101 Arena Blvd., Suite 200
Sacramento, CA. 95834
Phone: (916) 808-5914

Project Location

The proposed project site is generally an L shape, and is located north of Morrison Creek Drive and east of Florin-Perkins Road in the South Sacramento Community Plan area. Assessor's Parcel Number (APN) 064-0020-113.

Project Components

The proposed project includes the subdivision of approximately 13 acres. Specific entitlements include: **Tentative Parcel Map** to subdivide one parcel into 14 warehouse lots.

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for Biological Resources, Cultural Resources, Hazards, and Noise. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer identified above. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken verbatim from the Initial Study and are assigned the same number they have in the document. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP. The City of Sacramento, along with other applicable local, state or federal agencies, will be responsible for ensuring compliance.

**ELDER CREEK BUSINESS PARK NO. 2 (P07-100)
MITIGATION MONITORING PLAN**

MITIGATION MEASURE	IMPLEMNTING RESPONSIBILITY	MONITORING RESPONSIBILITY	VERIFICATION OF COMPLIANCE		
			COMPLIANCE STANDARDS	TIMING	VERIFICATION OF COMPLIANCE (INITIALS/DATE)
<p>Biological Resources:</p> <p>BR-1a A qualified botanist shall conduct a survey to determine presence or absence of Dwarf downingia, Legenere, and Boggs lake hedge-hyssop. The applicant shall submit a copy of the Botanical Survey report to the City of Sacramento, Department of Development Services prior to issuance of grading or construction permits.</p> <p>BR-1b If no special-status plants are observed, then there is no impact and no additional mitigation is required.</p> <p>BR-1c If wetlands are occupied by any special-status plant species, then no grading shall occur within ten feet of the occupied wetlands until the applicant provides the City of Sacramento Department of Development Services a copy of a mitigation plan approved by the California Department of Fish and Game. The mitigation plan would document the transplantation of the plants to a wetland mitigation site approved by California Department of Fish and Game. If Boggs lake hedge-hyssop would occur, the applicant shall provide evidence the City of Sacramento that implementation in</p>	Applicant	City of Sacramento – Development Services Department and California Department of Fish and Game	Measures shall be included on all grading and construction plans	Measures shall be implemented prior to the issuance of grading permits and during construction activities, as specified.	

**ELDER CREEK BUSINESS PARK NO. 2 (P07-100)
MITIGATION MONITORING PLAN**

<p>accordance with an Incidental Take Permit.</p> <p>BR-2 Prior to the issuance of a grading permit, the applicant shall provide to the City of Sacramento Department of Development Services proof that 8.5 acres of Habitat Management lands at a ratio acceptable to the California Department of Fish and Game, and an endowment at the California Department of Fish and Game established rate for Swainson's hawk foraging habitat have been obtained.</p> <p>BR-3a Prior to the issuance of a grading permit, the proposed project proponent shall submit the March 24, 2006 Preliminary Wetland Delineation Report prepared by Sycamore to the United States Army Corps of Engineers (USACE) for jurisdictional verification of the seasonal wetlands and vernal pool. Until USACE has reviewed the Wetland Delineation, the seasonal wetlands and vernal pool would be considered potential waters of the United States.</p> <p>BR-3b If the vernal pool and seasonal wetlands are determined to be isolated by the USACE, the applicant shall submit a wetlands map prior to the issuance of a grading permit to the City of Sacramento Development Services Department.</p> <p>BR-3c Grading and improvement plans shall state: "It is the contractor's responsibility to comply with all applicable state and</p>				
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**ELDER CREEK BUSINESS PARK NO. 2 (P07-100)
MITIGATION MONITORING PLAN**

<p>federal laws and regulations including the endangered species acts and the Clean Water Act."</p> <p>BR-3d Prior to the issuance of a grading permit, the project applicant shall submit a wetland mitigation and monitoring plan to the City of Sacramento Development Services Department:</p> <ul style="list-style-type: none"> i. If creating or restoring wetland habitats off-site, then the mitigation plan shall describe how the wetlands to be created or restored will proportionately mitigate the impact. ii. Mitigation may include the purchase of wetland mitigation credits from a mitigation bank. <p>BR-3e No grading shall occur within ten feet of wetlands until the applicant provides the City of Sacramento Development Services Department documentation from a qualified biologist that the mitigation plan has been implemented.</p> <p>Cultural Resources: CR-1a In the event that any prehistoric subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find.</p>					
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**ELDER CREEK BUSINESS PARK NO. 2 (P07-100)
MITIGATION MONITORING PLAN**

<p>Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p> <p>CR-1b If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American, archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p> <p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical</p>	<p>Applicant</p>	<p>City of Sacramento— Development Services Department and Native American Heritage Commission</p>	<p>Measures shall be included on all grading and construction plans</p>	<p>Measures shall be implemented during construction activities, as specified.</p>	
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**ELDER CREEK BUSINESS PARK NO. 2 (P07-100)
MITIGATION MONITORING PLAN**

<p>archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</p> <p>CR-2 If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for reinterment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</p> <p>Traffic: TR-1 Installation of a traffic signal at the Florin-Perkins Road/Morrison Creek Drive intersection.</p>	<p>Applicant</p>	<p>City of Sacramento - Department of Development Services, Development Engineering</p>	<p>Measures shall be included on all grading and construction plans</p>	<p>Prior to recordation of the final tentative map</p>	
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SACRAMENTO CITY PLANNING DIVISION

300 Richards Blvd., Third Floor, Sacramento, CA 95811
(916) 808-5656 x3

Application taken by M. York/ Date: 07-19-07

Project Location:	8651 Morrison Creek Drive
Assessor's Parcel No.:	064-0020-113
Owner:	Tracy Stigler, Buzz Oates Construction
Address:	8615 Elder Creek Road, Sacramento, CA 95828
Applicant:	Tracy Stigler, Buzz Oates Construction
Address:	8615 Elder Creek Road, Sacramento, CA 95828

REQUESTED ENTITLEMENT(S):

Item A: Mitigated Negative Declaration;
Item B: Mitigation Monitoring Plan;
Item C: Tentative Map To subdivide one lot into 14 lots on approximately 12.67 acres in the Heavy Industrial (M-2S) zone.

ACTIONS TAKEN:

Items A- C were approved.

Sent to Applicant: _____

Date: June 3, 2008

By: Renee Enos *(signature)*

Customer Service Representative

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezonings, special permits and variances.

Original to Applicant
Copies: File & Permit Book

P07-100