

## RESOLUTION NO. 2014-30

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE AMENDMENTS TO THE GENERAL PLAN AND TITLE 23 OF THE ELK GROVE MUNICIPAL CODE RELATIVE TO DEVELOPMENT IN THE FLOODPLAIN EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**WHEREAS**, State law (Government Code Section 65300) requires each city to adopt a comprehensive, long-term general plan for the physical development of the city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

**WHEREAS**, in November 2003, the City adopted its first General Plan; and

**WHEREAS**, policy SA-15 of the General Plan restricts development in the floodplain; and

**WHEREAS**, section 23.60.020 of the Zoning Code (Title 23 of the Municipal Code) implements policy SA-15; and

**WHEREAS**, the City has determined that these policies, as written, are too restrictive and do not reflect the intent of the City; and

**WHEREAS**, the approval of these amendments does not approve any development project; and

**WHEREAS**, the California Environmental Quality Action (CEQA, Public Resources Code Section 21000, et seq.) requires the analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."; and

**WHEREAS**, CEQA provides an exemption for projects that do not have a direct impact on the environment.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elk Grove finds the amendments to the General Plan and Title 23 of the Elk Grove Municipal Code are exempt from CEQA review pursuant to Section 15061(b)(3) of the CEQA State Guidelines.

Finding: The proposed amendments are exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Evidence: The proposed project is exempt from CEQA under to CEQA Guidelines Section 15061(b)(3) of the State CEQA guidelines, which excludes projects that are covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty

that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The proposed amendments do not directly authorize any individual project. Subsequent activities require further analysis by the City in order to determine that no net increase to the water surface elevation adjacent to, downstream, and upstream of the development is occurring. Therefore, the proposed action qualifies for this exemption and no further environmental review is required.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 12<sup>th</sup> day of February 2014

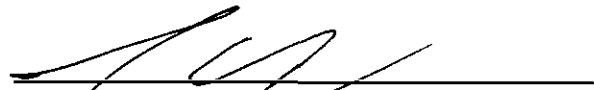


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GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2014-30**

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

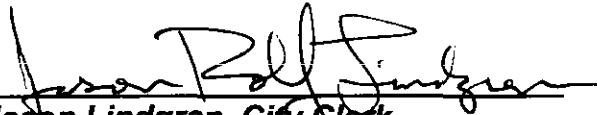
***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 12, 2014 by the following vote:***

**AYES :            COUNCILMEMBERS:        *Davis, Cooper, Detrick, Hume, Trigg***

**NOES:            COUNCILMEMBERS:        *None***

**ABSTAIN :        COUNCILMEMBERS:        *None***

**ABSENT:         COUNCILMEMBERS:        *None***

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**