

**ORDINANCE NO. 03-2021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
ADOPTING PRE-ZONING FOR THE MULTI-SPORT PARK COMPLEX AND GRANT  
LINE SOUTHEAST INDUSTRIAL AREA PHASE 1 AREA**

**PROJECT NO. WFC004**

**SOUTH OF GRANT LINE ROAD AT THE INTERSECTION WITH WATERMAN ROAD**

**APN: 134-0190-002, -003, -009, -010, -013, -029, -030, -032**

**WHEREAS**, in 2014 the City of Elk Grove acquired property at the northeast corner of Grant Line Road and Waterman Road for development of a multi-sport park complex; and

**WHEREAS**, the City property is located outside but adjoining the current corporate boundary of the City; and

**WHEREAS**, in 2015 the City Council directed that the property be annexed into the City (the Project); and

**WHEREAS**, the City worked with the Sacramento Local Agency Formation Commission (LAFCo) to prepare a Sphere of Influence Amendment that included the City property and adjoining property to the northeast and southwest, in keeping with LAFCo policies; and

**WHEREAS**, LAFCo approved the Sphere of Influence Amendment (SOIA) for the City property and the adjoining property, totaling ±571 acres (the SOIA Area) at their regular meeting in May 2019; and

**WHEREAS**, the City has undertaken technical engineering studies and planning to support the annexation and future development of the SOIA Area, including the preparation of a Specific Plan as required by City General Plan policy; and

**WHEREAS**, due to current property ownership desires, lot boundaries, and Williamson Act status, the SOIA Area is proposed to be annexed into the City in phases, with the Phase 1 area including the property currently owned by the City, Kendrick, and Cypress Abbey; and

**WHEREAS**, the City determined that the Project is subject to the California Environmental Quality Act (CEQA), Public Resource Code §§21000 et seq.; and

**WHEREAS**, the City and LAFCo entered into a Memorandum of Understanding providing for the joint preparation of an Environmental Impact Report (EIR) for the SOIA and future annexation and development of the SOIA Area; and

**WHEREAS**, that EIR was prepared by the City and LAFCo and certified by LAFCo prior to their approval of the SOIA; and

**WHEREAS**, during the preparation of the technical engineering studies and planning after approval of the SOIA the City identified that revisions to the EIR Project were necessary and that pursuant to State CEQA Guidelines Section 15163 a Supplemental EIR (SEIR) is appropriate to document the changes to the Project and update Mitigation Measures; and

**WHEREAS**, on July 20, 2020, the City released a Notice of Preparation for the SEIR; and

**WHEREAS**, on October 9, 2020, the City released a Notice of Availability for the SEIR, collecting public comments through November 24, 2020; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on January 7, 2021, as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting and voted 4-0 (Commissioner Shuck absent) to recommend certification of the EIR; and

**WHEREAS**, the City Council held a duly-noticed public hearing on January 27, 2021, as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting; and

**WHEREAS**, the City Council has certified the SEIR for the Project, adopting Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

**WHEREAS**, Government Code Section 56375(a)(7) provides that a city shall establish zoning for an annexation area prior to, and as a condition of, completion of the annexation.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this ordinance is to establish pre-zoning for the Project.

Section 2: Findings

**California Environmental Quality Act (CEQA)**

Finding: The Supplemental Environmental Impact Report has been prepared in accordance with the California Environmental Quality Act (CEQA) and it reflects the independent judgment and analysis of the City.

Evidence: As part of the SOIA application in 2015, the City entered into a Memorandum of Understanding (MOU) with LAFCo, which provided for the joint preparation of an Environmental Impact Report (EIR) for the Project. The EIR considered the development of the 100-acre City property as a multi-sport park complex, and the development of the balance of the Project area with industrial, commercial, and open space uses. LAFCo considered and certified the EIR as part of the SOIA, including adopting findings of fact and a statement of overriding considerations. The intent of the City, and as contemplated in the MOU, was to use the EIR for approval of zoning and subsequent development approvals. Therefore, the EIR included mitigation measures that applied at various stages of implementation, ranging from consideration of an annexation application by LAFCo all the way to ground disturbance by subsequent development.

In early 2020, during development of the infrastructure analysis and after direction from the City Council to declare a portion of the City property as surplus, staff determined that supplemental CEQA review was necessary prior to consideration by the Planning Commission and City Council, as well as LAFCo. Therefore, in June 2020 the City released a Notice of Preparation for a Supplemental EIR (SEIR). After considering comments on the Notice of Preparation, the City prepared and released on October 9, 2020, a draft SEIR for public comment.

The SEIR evaluates the environmental impacts of implementation of the proposed changes to the Project, including, but not limited to, adoption of General Plan land use designations and rezoning, approval of annexation (by LAFCo), construction of infrastructure to serve future development, and approval of subsequent development within the Project area. CEQA Guidelines Section 15163 states that a lead agency may choose to prepare a SEIR when only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. The SEIR need only contain the information necessary to make the previous EIR adequate for the project, as revised. This SEIR revisits each resource topic from the prior EIR, including cumulative effects, to determine if the proposed Project, as revised, would result in new or substantially more severe significant effects that were not analyzed in the original EIR. As necessary, the SEIR updates or expands the material presented in the original EIR to evaluate the changes to the Project and the Project context and describes any changes in impacts attributable to the proposed Project. The original EIR established mitigation measures to reduce potential impacts, as applicable and feasible, to a less than significant level. The SEIR considers and incorporates these mitigation measures and, to the extent that new information is available, or the Project has been revised, the measures have been updated or revised, or augmented with additional measures. All mitigation measures are applicable to the entirety of the Project, including Phases 1 and 2. Appendix H of the SEIR provides a table of the original EIR mitigation measures and illustrates, in track changes, the revisions proposed with this SEIR.

Public comments on the draft SEIR were received through the notice period concluding November 24, 2020. Based upon these comments, staff has prepared a Final SEIR. Nothing in the comments alters the conclusions provided in the draft SEIR.

As mentioned above, the original EIR established various mitigation measures that must be completed prior to annexation approved by LAFCo. These include, but are not limited to, an Air Quality Mitigation Plan and a pre-construction, protocol-level biological survey that documents the presence of special-status plant and animals in the annexation area. The City is working through these annexation-related measures and will provide the necessary documentation to LAFCo as part of the annexation application. For example, the biological survey (referred to as the Baseline Biological Resources Report) has been completed. The City is working in collaboration with the Sacramento Metropolitan Air Quality Management District (SMAQMD) on the Air Quality Mitigation Plan and expects to have a completed document in early February 2021.

The Project area is located within the boundaries of the South Sacramento Habitat Conservation Plan (SSHCP). The SSHCP is a planning document that provides for the preservation of special status species, natural communities, and aquatic resources within its plan area while providing a streamlined process for incidental take of these resources within a defined development area. The SSHCP was adopted in 2018 and is primarily the vehicle by which development in the SSHCP area will be permitted. However, authorization to approve the incidental take of species and habitat is vested with the local land use agency. In the case of the Project area, the County of Sacramento is the authorizing agency. Nothing about the annexation alone provides the City with the authorization to issue take permits. Therefore, the City has worked with the South Sacramento Conservation Agency (who oversees the SSHCP) to prepare an agreement whereby the City would be a participating special entity. Future development projects would apply through the Conservation Agency for take permit authorization and pay impact fees to the Agency.

## **General Plan**

Finding: The proposed pre-zoning is consistent with the General Plan goals, policies, and implementation programs.

Evidence: California Government Code Section 56375 provides LAFCo shall require, through conditions of approval, that territory to be annexed be zoned prior to the effective date of the annexation (pre-zoning). Government Code Section 65859 provides that a city may establish the pre-zoning prior to the filing of an annexation application with LAFCo. The Elk Grove Municipal Code Section 23.16.130 provides that pre-zoning shall be considered in the same manner as other zoning amendments.

The proposed pre-zoning for the Phase 1 annexation area includes designations of Light Industrial, Heavy Industrial, and Shopping Center Commercial consistent with the proposed General Plan designations. Therefore, the pre-zoning is consistent with the General Plan

## Section 3: Action

Pre-zoning for the Project area is established as provided in the attached Exhibit A, incorporated herein by this reference.

## Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

## Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to

this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication


This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:**           **03-2021**  
**INTRODUCED:**        January 27, 2021  
**ADOPTED:**            February 10, 2021  
**EFFECTIVE:**         March 12, 2021




BOBBIE SINGH-ALLEN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

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

APPROVED AS TO FORM:

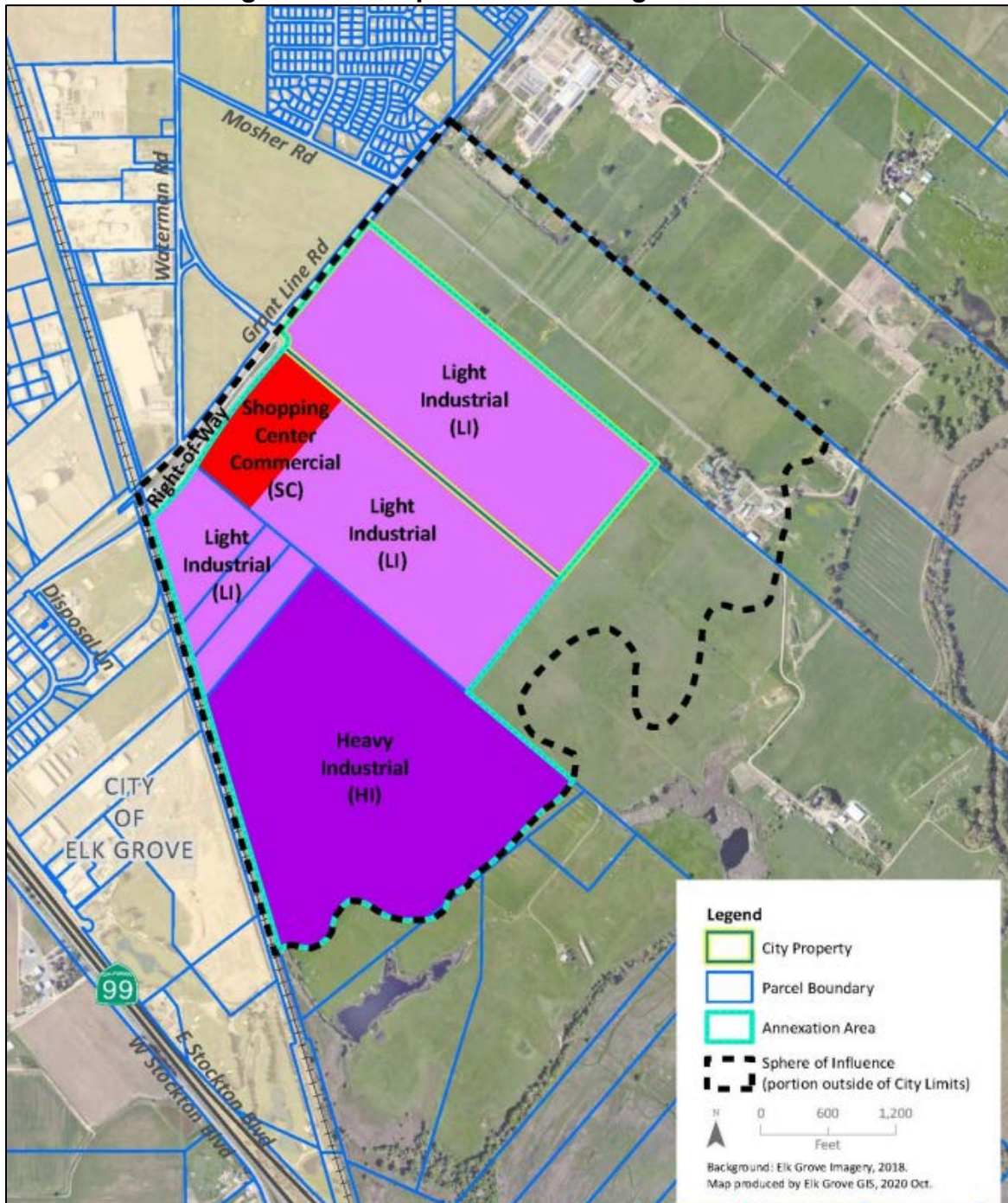
  
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JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: February 12, 2021

**Exhibit A**  
**MULTI-SPORT PARK COMPLEX AND GRANT LINE SOUTHEAST INDUSTRIAL**  
**AREA ANNEXATION (WFC004)**  
**Pre-zoning**

Pre-zoning for the Phase 1 Annexation Area is established as illustrated in Figure A-1 and Table A-1 as provided below.

**Figure A-1: Proposed Pre-zoning for Phase 1**



**Table A-1: Proposed General Plan and Pre-zoning by Property**

Owner	APN	Proposed	
		General Plan	Prezoning
Cypress Abbey	134-0190-032	Light Industrial	Light Industrial
	134-0190-029		
	134-0190-030		
	134-0190-013	Heavy Industrial	Heavy Industrial
Kendrick	134-0190-010	Light Industrial, Regional Commercial	Light Industrial, Shopping Center
City	134-0190-009	Light Industrial	Light Industrial

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**CERTIFICATION**  
**ELK GROVE CITY COUNCIL ORDINANCE NO. 03-2021**

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 ordinance, published and posted in compliance with State law, was duly introduced on January 27, 2021 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 10, 2021 by the following vote:*

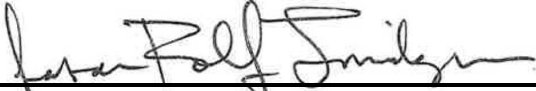
**AYES:**           **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

**NOES:**           **COUNCILMEMBERS:** *None*

**ABSTAIN:**       **COUNCILMEMBERS:** *None*

**ABSENT:**       **COUNCILMEMBERS:** *None*

*A summary of the ordinance was published pursuant to GC 36933(c) (1).*

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