

ORDINANCE NO. 15-2022

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO
STATE CEQA GUIDELINES SECTION 15183 AND APPROVING A REZONE FOR THE
9840 FARRIS LANE PROJECT (PLNG21-022):
ASSESSOR PARCEL NUMBERS 127-0070-022 AND 127-0070-026**

WHEREAS, the Development Services Department of the City of Elk Grove (the “City”) received an application on March 15, 2021, from the Stafford Revocable Living Trust (Property Owner and Applicant) requesting a Rezone and Tentative Parcel Map for the 9840 Farris Lane Project (PLNG21-022) (the “Project”); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APNs 127-0070-022 and 127-0070-026; and

WHEREAS, the Development Services Department considered the Project request pursuant to the Elk Grove General Plan; the Elk Grove Municipal Code (EGMC) Title 22 (Land Development) and Title 23 (Zoning Code); and all other applicable state and local regulations; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on March 3, 2022, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting, and voted 5-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on June 8, 2022, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting.

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 amend the City of Elk Grove Zoning Map as described in Exhibit A and shown in Exhibit B.

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required for the Project under CEQA pursuant to State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Evidence: CEQA requires 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” (State CEQA Guidelines Section 15378). The proposed Project is a project under CEQA.

State CEQA Guidelines Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” An EIR was prepared and certified by the City Council as part of the Elk Grove General Plan (SCH# 2017062058).

The proposed Project is consistent with the development density established by the General Plan EIR because the parcel split will result in new parcels over two acres in size at a density consistent with the rural area range of 0.1 to 0.5 units per acre. The Project does not include the conversion of qualified agricultural or projected farmland and, therefore, does not require mitigation. While there is no physical construction proposed with this Project, buildout consistent with the EGMC would likely result in the development of one, new single-family residential unit on each of the newly created lots. Any future construction on the Project site shall comply with EGMC development standards for land grading and erosion control (Chapter 16.44), tree protection (Chapter 19.12), Swainson’s hawk surveys and possible mitigation (Chapter 16.130), in addition to other pre-construction surveys as defined by the General Plan EIR. Compliance with these standards has been included in the conditions of approval for the Project. Additionally, The Project consists of a residential project resulting in less than 10 dwelling units. Residential projects less than 10 dwelling units are exempt from Vehicle Miles Traveled (VMT) analysis.

No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No other special circumstances exist that would create a reasonable possibility that the Project will have a significant adverse effect on the environment. Therefore, pursuant to State CEQA Guidelines Section 15183, no further environmental review is required.

The Applicant has provided a Cultural Resources Analysis for the site which was peer-reviewed by the City. It was concluded that the Cultural Resources Analysis was consistent with the General Plan’s goals related to the protection of cultural and tribal resources. The implementation of Conditions of Approval #9 and #10 of the accompanying Tentative Parcel Map resolution will address the potential for encountering undiscovered cultural resources and/or tribal cultural resources as it requires that if cultural resources or tribal cultural resources are discovered during future grading or construction activities, work will halt immediately within 50 feet of the discovery, the Planning Division shall be notified, and a professional archaeologist meeting the Secretary of Interior’s Professional Qualifications Standards in archaeology shall be retained to determine the significance of discovery.

Rezone

Finding #1: The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The Applicant is proposing to amend the zoning designation of the site from AR-5 (Agricultural Residential – Minimum 5-Acre Lot) to AR-2 (Agricultural Residential – Minimum 2-Acre Lot). The General Plan land use designation of Rural Residential (RR) will be retained. General Plan Consistency Matrix Table 3-1 indicates that the AR-2 zoning designation is consistent with the RR designation. The proposed parcel sizes will also be consistent with General Plan Policy RA-1-1, which states that the City shall “ensure that new residential lots are no less than two acres in size.”

Section 3: Action

The City Council hereby approves the Rezone as described in Exhibit A and shown in Exhibit B, 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

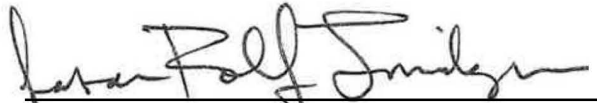
This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council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

ORDINANCE: **15-2022**
INTRODUCED: June 8, 2022
ADOPTED: June 22, 2022
EFFECTIVE: July 22, 2022



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

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

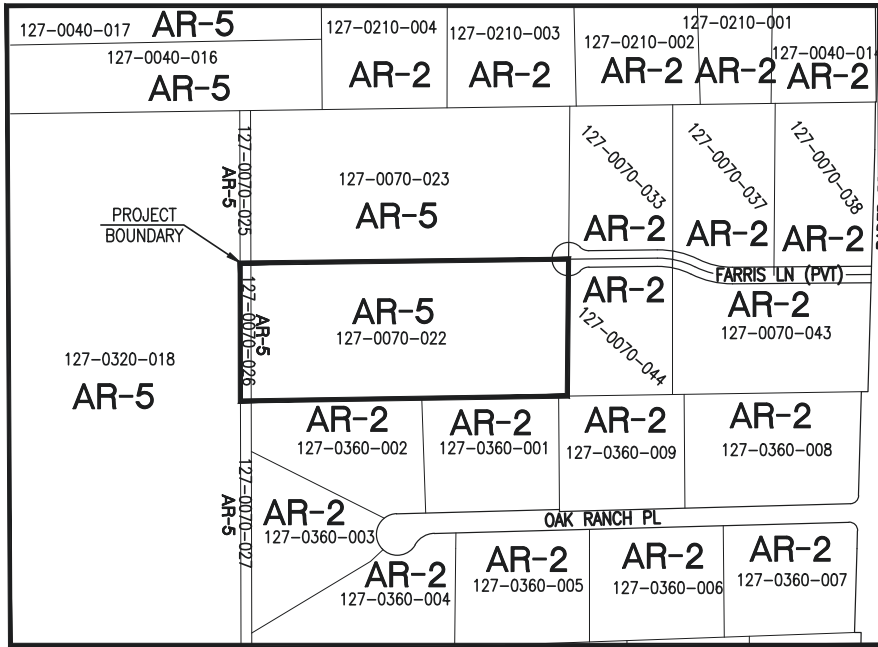
Signed: June 23, 2022

Exhibit A
9840 Farris Lane Project (PLNG21-022)
Project Description

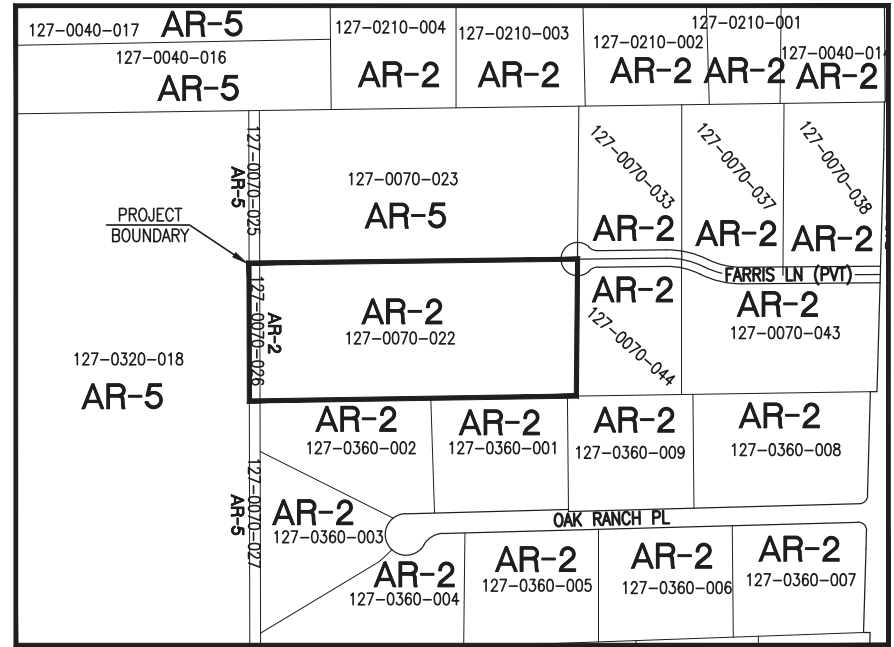
PROJECT DESCRIPTION

The Project consists of a Rezone to amend the zoning designation of ±6.14 gross acres from the AR-5 (Agricultural Residential – Minimum 5-Acre Lot) designation to the AR-2 (Agricultural Residential – Minimum 2-Acre Lot) designation and a Tentative Parcel Map to subdivide two existing parcels into three new parcels: Parcel 1 (±2.04 acres); Parcel 2 (±2.04 acres); and Parcel 3 (±2.06 acres). Each parcel will have access off Farris Lane through a proposed 25-foot wide private road. Any future home construction will be required to comply with the City's Climate Action Plan (CAP) measures for new single-family construction including BE-4 – Building Stock: Encourage or Require Green Building Practices in New Construction; BE-5 – Building Stock: Phase in Zero Energy Standards in New Construction, TACM-8 – Tier 4 Final Construction Equipment, and TACM-9 – EV Charging Requirements.

EXHIBIT B

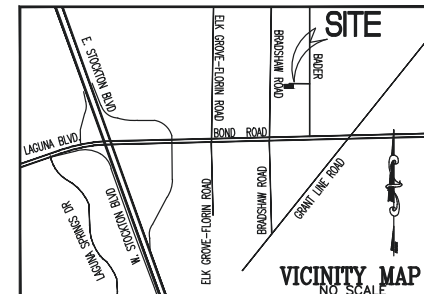
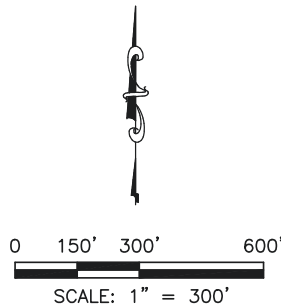


EXISTING ZONING



PROPOSED ZONING

LEGEND		EXISTING	PROPOSED
AR-5	RURAL RESIDENTIAL	5.97	0.00
AR-2	RURAL RESIDENTIAL	0.00	5.97
TOTAL NET ACRES		5.97	5.97



JTS ENGINEERING CONSULTANTS, INC.
1808 J STREET, SACRAMENTO, CA 95811
PH:(916) 441-6708 FX:(916) 441-5336

DATE: 2-3-2021
DRAWN: DVN
CHECKED: JTS
JOB NO: 2020-105

EXISTING AND PROPOSED ZONING EXHIBIT
9840 FARRIS LANE
CITY OF ELK GROVE APN: 127-0070-026 AND 022 CALIFORNIA

FOR PRELIMINARY PLANNING PURPOSES ONLY. ALL BOUNDARY LINES, EASEMENTS & RIGHT-OF-WAY LOCATIONS TO BE VERIFIED WITH FINAL DESIGN AND ENGINEERING.

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 15-2022

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 June 8, 2022, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 22, 2022, by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

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



Jason Lindgren, City Clerk
City of Elk Grove, California