

RESOLUTION NO. 2005-66

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING
A NEGATIVE DECLARATION FOR THE AMENDMENT TO GENERAL PLAN POLICY
SA-3 AND AN EXEMPTION FOR THE AMENDMENT TO GENERAL PLAN POLICY
LU-3 (GPA-05-002) SUBJECT TO THE FOLLOWING FINDINGS**

WHEREAS, General Plan Amendment GPA-05-002 consists of revisions to General Plan Safety Element policy SA-3 and General Plan Land Use Element policy LU-3; and

WHEREAS, a Negative Declaration has been prepared and completed for the amendment to General Plan Safety Element policy SA-3 in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City distributed a Notice of Intent to Adopt the Negative Declaration for the amendment to General Plan Safety Element policy SA-3 on December 22, 2004 and was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30-day review and comment period was opened on December 22, 2004 and closed on January 20, 2005. The Negative Declaration was made available to the public during this review period; and

WHEREAS, the City received written comment letters for the amendment to General Plan Safety Element policy SA-3 within and after the 30 day public review period and responded to those comments; and

WHEREAS, the City has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Negative Declaration for the amendment to General Plan Safety Element policy SA-3; and

WHEREAS, the City of Elk Grove, Development Services Planning Department, located 8400 Laguna Palms Way, Elk Grove, California 95758 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration for the amendment to General Plan Safety Element policy SA-3 is based; and

WHEREAS, the City has determined that the amendment to General Plan Land Use Element policy LU-3 is exempt from CEQA review; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the Planning Commission considered the proposed amendments at public hearing on January 27, 2005 and February 10, 2005 and recommended City Council approval of the amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY RESOLVES AS FOLLOWS:

Adopt a Negative Declaration for General Plan Amendment to Policy SA-3 and an Exemption for the General Plan Amendment to Policy LU-3 based on the following findings.

Findings

Safety Element Policy SA-3

Finding: The amendment to General Plan Safety Element policy SA-3 will not have a significant adverse impact on the environment and a Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Negative Declaration reflects the independent judgment and analysis of the City.

Evidence: An initial study evaluating the potential environmental effects of the project was prepared. No potentially significant adverse effects were identified in the Initial Study. The City distributed a Notice of Intent to Adopt the Negative Declaration on December 22, 2004 and was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30-day review and comment period was opened on December 22, 2004 and closed on January 20, 2005. The Negative Declaration was made available to the public during this review period. The City has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Negative Declaration.

Finding: The project is De Minimis and will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Evidence: Findings have been made that the Negative Declaration had been prepared and completed in compliance with CEQA.

The City Council made findings that on the basis of the Negative Declaration, comments received, and the whole record that there is no substantial evidence that the project will have a significant adverse impact on the environment.

No impacts were identified and mitigation measures were not made a condition of approval of this project.

The City Council also made findings that there is no evidence before them that the project will have any potential for a significant adverse individual or cumulative effect on wildlife resources.

Land Use Element Policy LU-3

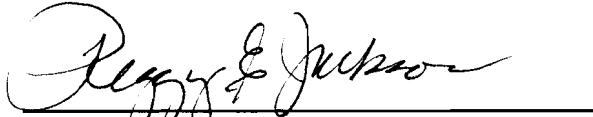
Finding: The amendment to General Plan Land Use Element policy LU-3 is exempt from CEQA review.

Evidence: CEQA Guidelines Section states that a project is not subject to CEQA where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment. The proposed amendment to policy LU-3 will allow the "O" (Open Space/Recreation) designation to be consistent in any zoning designation. As such, this project does not have the potential to have a significant effect in the environment because it does not cause any direct physical change in the environment. On the contrary, the proposed amendment has the potential to reduce adverse effects on the environment by allowing less intense development in areas that could potentially be developed according to their underlying zoning designations (e.g. residential, commercial, etc.).

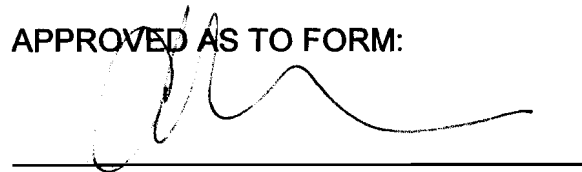
PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 9th day of March 2005.


DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-66**

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

I, Peggy E. Jackson, 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 the 9th day of March 2005 by the following vote:

AYES 5: **COUNCILMEMBERS:** *Briggs, Scherman, Soares, Cooper, Leary*


NOES 0: **COUNCILMEMBERS:**

ABSTAIN 0: **COUNCILMEMBERS:**

ABSENT 0: **COUNCILMEMBERS:**

RECUSAL 0: **COUNCILMEMBER:**





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**