

RESOLUTION NO. 2021-259

A RESOLUTION 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 15162 AND ADOPTING THE PROPOSED RULES FOR THE ADMINISTRATION OF AGRICULTURAL PRESERVES AND THE IMPLEMENTATION OF THE CALIFORNIA LAND CONSERVATION ACT, OR WILLIAMSON ACT

WHEREAS, in 1965, the California State Legislature established the California Land Conservation Act, or Williamson Act (Government Code Section 51200 et. seq.; and

WHEREAS, City General Plan policy provides for the preservation and conservation of agricultural and open space resources and implementation of the Williamson Act is a tool to accomplish these objectives; and

WHEREAS, Government Code Section 51231 provides that local agencies shall establish rules for the administration of agricultural preserves and the implementation of the Williamson Act (the “Rules”); and

WHEREAS, the City determined that the Project is subject to the California Environmental Quality Act; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 19, 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 Planning Commission voted 4-0 (Commissioner Robles absent) to recommend approval of the Rules to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on September 8, 2021, as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that no further environmental review is required under the California Environmental Quality Act for establishing the Rules pursuant to State CEQA Guidelines Sections 15183 and 15162 based upon the following finding:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15183 and 15162.

Evidence: The proposed Rules are exempt from CEQA under to State CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and 15162 (Subsequent EIRs and Negative Declarations). An EIR was prepared and certified for the General Plan in 2019 (SCH No. 2017062058). That document provides a programmatic review of the potential impacts associated with the implementation of the overall General Plan. The proposed Rules implement the Williamson Act and further the General Plan policies around preserving agricultural resources, which were analyzed in the General Plan EIR.

State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR. The proposed Rules are consistent with the analysis presented in the EIR and, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required. Specifically, the Rules provide for the creation of agricultural preserves and the establishment of Williamson Act contracts on property designed in the General Plan for Agriculture.

Therefore, there are no substantial changes relative to the prior EIR; there are no substantial changes with respect to the circumstances under which the EIR is undertaken; and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR. Based on this evidence, no further environmental review is required.

AND, BE IT FURTHER RESOLVED, that the City Council hereby adopts the Rules, as provided in Exhibit A, attached hereto and incorporated herein by this reference, based upon the following finding:

General Plan Consistency

Finding: The project is consistent with the General Plan goals, policies, and implementation programs.

Evidence: Adoption of the Rules and implementation of the Williamson Act furthers the City's General Plan policies around agricultural preservation and conservation of open space. Specifically, the Rules further Goal AG-1 (Integrated and Sustained Agriculture) and the following accompanying policies:

- Policy AG-1-2: As appropriate, protect agricultural lands from conversion.
- Policy AG-1-6: Limit the siting of projects with land uses that might result in conflicts near existing agriculture due to noise, air quality, or odors.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of September 2021



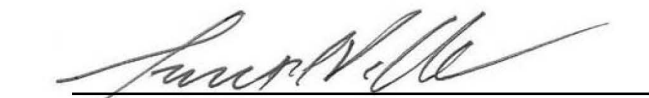
BOBBIE SINGH-ALLEN, MAYOR of the CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS, CITY ATTORNEY

EXHIBIT A

City of Elk Grove Rules Governing the Administration of Agricultural Preserves and Implementation of the California Land Conservation Act (Williamson Act)

Introduction

The California Land Conservation Act, or Williamson Act (Government Code Section 51200 et seq.) provides a process for local land use agencies to promote the preservation of agricultural land. The primary mechanism for this is through the establishment of a California Conservation Contract, or Williamson Act Contract, which restricts the uses allowed on a property to compatible agricultural uses, in exchange for certain property tax benefits. However, pursuant to the Williamson Act, prior to the establishment of a contract the subject property must first be part of an agricultural preserve, as defined in the Williamson Act.

These Rules shall govern the administration of agricultural preserves in the City of Elk Grove, including procedures for initiating, filing, and processing requests to establish, disestablish, or alter the boundaries of agricultural preserves, as required by Government Code Section 51231. These Rules shall also govern the administration of all Williamson Act contracts within the City.

RULES

1. Application. A property owner shall apply to the Development Services Department and submit his/her application using the standard application form provided by the City. The Department is directed to refuse to process incomplete application forms.
2. Time of Application. Generally, application for establishment, disestablishment, or modifications of preserves may occur at any time. However, applications for contracts shall be accepted in accordance with Revenue and Taxation Code Section 430.5.
3. Application Fee. Applicant shall pay a fee to cover the administration costs of holding a public hearing and giving notice thereof as required by these Rules and the California Land Conservation Act. The value of the fee shall be established by resolution of the City Council.
4. Establishment of Preserve. Prior to the establishment of a Williamson Act Contract, the subject property shall first be placed within an Agricultural Preserve, as required by the Act. The designation of the preserve shall restrict the further subdivision and sale of the subject property as provided in Article 2.5 of the Williamson Act. The preserve shall be established for the purpose of defining the boundaries of those areas within which the city will be willing to enter into contracts pursuant to the Williamson Act.
5. Report of the Department of Community Development. The Development Services Director (or designee) shall, within thirty (30) days after receipt of the complete application, prepare a report as to whether the preserve, if

established, is consistent with the General Plan of the City. An additional thirty days (30) days shall be authorized to the Development Services Director if the report is not made within the initial thirty (30) day period. The Director shall also advise whether the Zoning designation for the property is appropriate if the Council elects to establish a preserve for the property. The Development Services Director's report shall be provided to the Planning Commission and City Council for their review and approval pursuant to Rule 6.

6. Hearing and Approval. No agricultural preserve or Williamson Act contract shall be established pursuant to these Rules unless such agricultural preserve or Williamson Act contract complies with all applicable local, state or federal laws including, but not limited to, the Williamson Act. The establishment of the preserve and/or Williamson Act Contract may be established by the City Council after a public hearing and recommendation by the Planning Commission.
7. Notice to Public. Notices for all public hearings shall be given as provided in Section 6061 of the Government Code. The notice shall contain the applicant's name, mailing address, date and time and place of the hearing, and legal description or Assessor's parcel number(s) describing the property.
8. Notice to Agencies. Notice shall be given at least fourteen (14) days before the public hearing on the matter by first class mail to the Local Agency Formation Commission and to the County of Sacramento. If the subject property is within one (1) mile of the City of Sacramento, notice shall also be provided to that City. In all cases, notice shall be provided to the executive officer of the agency and, as applicable, to their planning department (or equivalent).
9. Term of Contract. It is the intent of the City Council that, consistent with Government Code section 51244, each contract shall be for an initial term of no less than 10 years and on the anniversary date of the contract, or such other annual date as specified by the contract, a year shall be added automatically to the initial term, unless notice of nonrenewal is given as provided in Section 51245 or, after the initial 10 year term, the City and property owner agree to the cancelation of the contract.
10. Criteria for Agricultural Preserves. An agricultural preserve established during a calendar year and each succeeding calendar year thereafter shall comply with all of the following requirements.
 - a. The preserve shall consist of not less than one hundred (100) acres, provided that in order to meet the one hundred (100) acre requirement two (2) or more parcels may be combined if said parcels are contiguous or if in common ownership. An agricultural preserve of less than one hundred (100) acres may be established if the unique characteristics of the agricultural enterprises in the area indicate that an operation of less than one hundred (100) acres is an economic commercial agricultural unit or land within a scenic highway corridor, and that the agricultural preserve of less than one hundred (100) acres is consistent with the General Plan of the City.

- b. All land within the preserve is designated in the General Plan as Agriculture.
 - c. All land within the preserve has been zoned or will be zoned concurrently with approval of the preserve as either Agricultural-20 (AG-20) or Agricultural-80 (AG-80).
11. Disestablishment of Preserve. The rules applicable herein to establish a preserve shall apply in the event there is a proposed disestablishment of an existing preserve.
12. Alteration of Boundaries of Preserve. The rules applicable herein to establish a preserve shall apply in the event there is a proposed alteration to the boundaries of an existing preserve.
13. Notice to Contracting Party. If a hearing is scheduled on a proposal to disestablish or to alter the boundary of a preserve which will remove land under contract from such a preserve, the City will give notice of the proposed hearing as follows:
- a. To the owner whose land is removed from the preserve: Notice shall be by certified mail to address specified in the contract for giving notice of nonrenewal, as well as to the address listed on the most current Assessor roll.
 - b. To all other owners of the property within the preserve: Notice shall be by First class mail to the latest address available to the City on the current Assessor roll.
14. Contract Nonrenewal or Contract Cancellation on Preserve. At such time as the City accepts a nonrenewal of a contract or agrees to a cancellation of a contract, or the City issues a nonrenewal, the City shall consider and, at the discretion of the City Council, also alter or disestablish the preserve. Notice of such action shall be provided concurrently with any notice of the nonrenewal or cancellation of the contract.
15. Records and Filing.
- a. The Development Services Director shall maintain records of the establishment, modification, or disestablishment of all preserves and Williamson Act contracts.
 - b. The Development Service Director shall submit any annual reports required by the Williamson Act to the State Department of Conservation.
 - c. The City Clerk shall cause to be recorded, with the County Recorder, the establishment, modification, or disestablishment of all preserves and Williamson Act contracts within twenty (20) days of action by the City Council.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-259

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 September 8, 2021 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Nguyen*



Jason Lindgren, City Clerk
City of Elk Grove, California