

**RESOLUTION NO. 2025-016**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO  
STATE CEQA GUIDELINES SECTIONS 15183 AND 15162 AND APPROVING  
AMENDMENTS TO THE ELK GROVE GENERAL PLAN FOR  
FLOODPLAIN ALLOWANCES FOR PUBLIC IMPROVEMENTS AND  
NON-HABITABLE STRUCTURES**

**GENERAL PLAN AMENDMENT 2025-1**

**WHEREAS**, the City of Elk Grove (“City”) conducts periodic updates of the policies of the General Plan and the provisions of Elk Grove Municipal Code (EGMC) to ensure compliance with current laws, changes in local policy, consistency with adopted plans and programs, changing market conditions, best practices, and to address issues or concerns with current regulations; and

**WHEREAS**, certain amendments to EGMC Title 16, Chapter 16.50 (Flood Damage Prevention) and Title 23, Chapter 23.100 (General Definitions) and concurrent revisions to the City’s General Plan are necessary for the development of public improvements such as trails, maintenance facilities, and other non-habitable structures within the 100-year floodplain on a case-by-case basis; and

**WHEREAS**, the development of non-habitable structures and public infrastructure including trails, non-habitable maintenance facilities, and similar facilities within the 100-year floodplain must result in no net increase to the water surface elevation adjacent to, downstream, and upstream of the development as determined by the City; and

**WHEREAS**, the City has reviewed the Project and analyzed it based upon the provisions in Section 15183 (Consistency with a General Plan, Community Plan, or Zoning) and Section 15162 (Subsequent EIRs and Negative Declarations) of Title 14 of the California Code of Regulations (State CEQA Guidelines); and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on December 5, 2024, 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 5-0 to recommend approval of the Project to the City Council; and;

**WHEREAS**, the City Council held a duly-noticed public hearing on January 22, 2025, 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 necessary pursuant to State CEQA Guidelines Section 15183 (Consistency with a General Plan, Community Plan, or Zoning) and Section 15162 (Subsequent EIRs and Negative Declarations) based upon the following finding:

**CEQA**

Finding: No further environmental review is necessary under CEQA pursuant to State CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and 15162 (Subsequent EIRs and Negative Declarations).

Evidence: The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter 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.” The proposed Project is a project under CEQA.

No further environmental review is required under State CEQA Guidelines Section 15183 (Consistency with a General Plan, Community Plan, or Zoning). State CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects which are consistent with the development density established by an existing 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.” In February 2019, an EIR was prepared and certified by the City Council as part of the Elk Grove General Plan (SCH# 2017062058). That document provides a programmatic review of the potential impacts associated with implementation of the overall General Plan. The EIR identified that implementation of the General Plan would increase the requirements for trails and recreational facilities, which could result in impacts to the physical environment and concluded that no additional mitigation measures beyond compliance with construction-related mitigation measures identified in the EIR were required. The proposed text amendments allow for an exception for the development of public infrastructure including trails, maintenance facilities, and similar facilities as well as non-habitable structures within the 100-year floodplain on a case-by-case basis. Such exceptions must result in no net increase to the water surface elevation adjacent to, downstream, and upstream of the development as determined by the City. These changes do not result in the possibility of creating significant or cumulative effects on the environment. Future development under the proposed regulations may be subject to CEQA at that time, as, to the extent applicable, those actions would be classified as “projects” under CEQA. Future development under the proposed regulations would be subject to all construction-related mitigation measures adopted by the City.

Furthermore, 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 General Plan EIR. The proposed amendments are consistent with the analysis presented in the EIR and, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required. Staff has reviewed the Project and analyzed it based upon the above provisions in Section 15162 of the State CEQA Guidelines. The proposed text amendments would only allow for the development of public infrastructure including trails, non-habitable maintenance facilities, and similar facilities as well as non-habitable structures within the 100-year floodplain on a case-by-case basis with no net increase to the water surface elevation adjacent to, downstream, and upstream of the development. Additionally, in the case of modified bridge structures and trails, such structures shall not adversely affect the physical and/or economic use of upstream and downstream property. The Project is being undertaken pursuant to and in conformity with the approved Elk Grove General Plan. The General Plan EIR analyzed full buildout of the City based upon the land plan, development standards, and policies contained in

the General Plan. Future development under the proposed regulations is subject to the General Plan Mitigation, Monitoring and Reporting Program (MMRP). Therefore, 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, and no further environmental review is required.

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, the prior EIRs are sufficient to support the proposed action and pursuant to State CEQA Guidelines Sections 15162 and 15183, no further environmental review is required.

**AND, BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove hereby adopts Amendments to the City's General Plan, as described in Exhibit A (incorporated herein by this reference), based upon the following findings:

Finding: The proposed General Plan amendments are of substantial benefit to the City and the amendment is internally consistent with the General Plan.

Evidence: The proposed General Plan Amendments are text amendments that would allow non-habitable structures and public infrastructure such as trails, non-habitable maintenance facilities, and similar equipment to be located in the 100-year floodplain on a case-by-case basis. Such exceptions must result in no net increase to the water surface elevation adjacent to, downstream, and upstream of the development as determined by the City. The proposed amendments are consistent with the policies and regulations of other nearby agencies in the Sacramento Stormwater Quality Partnership. The proposed General Plan amendments are of substantial benefit to the City as they would allow the development of public infrastructure for the benefit of Elk Grove residents. Additionally, the amendment is internally consistent with the General Plan.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 22<sup>nd</sup> day of January 2025




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**  
**Floodplain Allowances for Non-Habitable Structures and Public Improvements**  
**General Plan Amendment**

*Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).*

***The following General Plan policies are amended as follows:***

Policy ER-2-6: Except as otherwise set forth herein, development shall not be permitted on land subject to flooding during a 100-year event, based on the most recent floodplain mapping prepared by FEMA or updated mapping acceptable to the City of Elk Grove. Exceptions for development include non-habitable structures and associated mechanical equipment to serve those structures which may be considered by the City, subject to applicable local, state, and federal regulations. Additional public infrastructure, including but not limited to trails, maintenance facilities, or similar improvements, may also be allowed on a case-by-case basis. Such exceptions must result in no net increase to the water surface elevation adjacent to, downstream, and upstream of the development as determined by the City. Potential development in areas subject to flooding may be clustered onto portions of a site which are not subject to flooding, consistent with other policies of this General Plan.

Policy ER-2-16: Notwithstanding any other policy, new ~~New and/or~~ modified bridge structures and trails are permitted on land subject to flooding during a 100-year event if such facilities do not cause an increase in the water surface elevation of the 100-year floodplain exceeding one tenth of a foot and there is analysis demonstrating that the physical and/or economic use of upstream and downstream property will not be adversely affected by the increase. ~~shall not cause an increase in the water surface elevations of the 100-year floodplain exceeding 1 foot unless analysis clearly indicates that the physical and/or economic use of upstream and downstream property will not be adversely affected.~~

***The following definitions are added to Chapter 11, Glossary and Acronyms***

**Non-Habitable Structures**

Buildings and/or structures of an accessory character including, but not limited to, agricultural buildings, aircraft hangars, barns (no sleeping quarters allowed within), carports, fences, grain silos, greenhouses, livestock shelters, private garages (no sleeping quarters allowed within), retaining walls, sheds, stables, swimming pools, tanks, and towers.

**Habitable Structure**

Any structure that is designed to be lived in or otherwise occupied for extended periods of time. Examples include, but are not limited to, residential units (single-family residences, apartments), commercial space, office space, or other similar areas with conditioned space.

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2025-016**

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 January 22, 2025 by the following vote:*

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

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

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

**ABSENT:**    **COUNCILMEMBERS:**        *Brewer*

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