REGULAR HEARING AGENDA
July 10, 2019 - 4:00 P.M.
Board of Supervisors' Chambers
County Administrative Building
175 Fulweiler Avenue, Auburn, CA 95603

1. Flag Salute

2. Call to Order and Roll Call

3. Approval of Agenda (Action item)

4. Public Comment: This is the time when persons may address the Commission on items not on the agenda. Please limit comments to three (3) minutes as the Commission is not permitted to take any action on items presented as public comment.

5. Election of Chair and Vice Chair: The Commission will be asked to select a Chair and Vice-Chair. New Chair will be seated. (Action item, pg. 1)

6. Approval of Minutes from the May 8, 2019 Commission hearing (Action item, pg. 4)

7. City of Lincoln – Lincoln Meadows: The Commission will be asked to consider annexation of the Lincoln Meadows proposal into the City of Lincoln and detachment of the territory from County Service Area 28, zone 76 (Western Placer Fire). **CEQA Determination:** Responsible agency under CEQA Guidelines section 15096. (Action item, pg. 6)

8. Executive Officer Reports:
   - Legislative Committee update
   - Proposal Status
   - CALAFCO conference

9. Commissioner Reports:

10. Adjournment:

For further information or to provide written comments on any item on the agenda, please contact the Placer LAFCO. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Placer LAFCO office at 110 Maple Street, Auburn, CA 95603 during normal business hours. Phone: (530) 889-4097. Placer LAFCO is committed to ensuring that persons with disabilities are provided the resources to participate in its meetings. If you require a disability-related accommodation, please contact the Clerk to the Commission at least two business days prior to the meeting date.
DATE: July 5, 2019

TO: Commissioners Alpine, Gore, Joiner, Kahlrl, Patterson, Rohan, Weygandt.
Alternate Commissioners Alvord, Gray, Holmes, Lynch

FROM: Kris Berry, AICP, Executive Officer

SUBJECT: Election of Chair, Vice-Chair

Recommended Action:

Elect a new Commission Chair and Commission Vice-Chair

Discussion:

In accordance with Government Code section 56334, Placer LAFCO elects a Chair and Vice-Chair in May of each year, generally following a rotation schedule adopted by the Commission in 2008 (attached as Exhibit 1).

In May 2018, former Commissioner Nader was elected as Chair, and former Commissioner Rudd was elected as Vice-Chair. When Commissioner Nader (City) left the Commission, the Commission placed Commissioner Rudd (Public) as Chair to fill out the remaining term (May 2019) and Commissioner Weygandt as Vice-Chair and decided to select a new Chair in May. Commissioner Weygandt Chaired the May 2019

According to the rotation policy, the next Commissioner in rotation would be the Public Member (Commissioner Rohan), and then a County Member (Weygandt).

Exhibit 1 Resolution 2008-03, rotation policy
PLACER LOCAL AGENCY FORMATION COMMISSION

Resolution No. 2008-01

Establishing a Rotation Policy for LAFCO Commissioners

Whereas, the Placer Local Agency Formation Commission (Placer LAFCO) is an independent agency established and operating under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), and

Whereas, Placer LAFCO, pursuant to §56334 (CKH) elects a Chairperson of the Commission in May of each year, and

Whereas, the Commission intends to establish a rotation policy to use as a guideline in the selection of a Chairperson.

Now, therefore be it resolved, the following rotation schedule shall serve as a general guideline for the election of the Chairperson:

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Member</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Be it further resolved, the Commission may elect to continue the rotation in the same form after the year 2014. The Commission may further elect to follow a corresponding Vice Chair rotation schedule to allow for the orderly transition of the Vice-Chair to the position of Chairperson.

Be it further resolved, that the Placer Local Agency Formation Commission hereby adopts the rotation schedule as a general guideline for the future selection of the Chair and Vice-Chair. As a general guideline, this policy is not binding on future Commissions and at any time the Commission may elect to deviate from this policy.

On a motion by Commissioner Weygandt, seconded by Commissioner Hill, the foregoing resolution was passed and adopted by the Placer Local Agency Formation Commission this 13th day of August, 2008 by the following vote:

Ayes: McBerly, Weygandt, Hill, Frink, Rudd, Gray, Holmes

Noes: None
Absent: None

Signed and approved after adoption:

Duane L. Frink, Chair
Attest:

Kristina Berry, AIGP, Executive Officer
PLACER LOCAL AGENCY FORMATION COMMISSION

Joshua Alpine, (District); Bonnie Gore (County); Paul Joiner (City); William Kahl, (District); Joe Patterson, (City); E. Howard Rudd, Chair (Public); Robert Weygandt, Vice Chair (County). Alternate Commissioners: Scott Alvord (City); Jim Gray (Public); Jim Holmes, (County); Mike Lynch (District)

MINUTES
May 8, 2019

1. The Flag Salute was led by Commissioner Lynch.

2. Call to Order and Roll Call: Chairman Rudd called the hearing to order at 4:00 P.M. in the Board of Supervisors Chambers at 175 Fulweller Avenue, Auburn, CA. The Commissioners present and seated were Kahl, Holmes, Weygandt, Patterson, Lynch, and Rudd. Staff present were Executive Officer Kris Berry, LAFCO Counsel Bill Wright, and Clerk to the Commission Linda Wilkle.

3. New Commissioners: The newly selected Alternate City member (Scott Alvord) will be sworn in. Scott Alvord was not in attendance.

4. Approval of Agenda: The Agenda was approved my motion: Lynch/Holmes/6-1 (Commissioner Joiner absent).

5. Public Comment: Albert Schelber commented that he is against a proposal that the City of Lincoln is working on, titled Village 5.

6. Approval of Minutes from the March 9, 2019 Commission hearing: The minutes were approved by motion: Weygandt/Kahl/5-2 (Holmes abstained).

7. Selection of Public Member for 2019-2020 term (recommended discussion and continuance to the next LAFCO hearing): After discussion, the Commission decided to hear from the applicants and vote for the new public member and alternate. Motion: Holmes/Weygandt/6-1. By motion, the Commission voted Susan Rohan as the new Public Member, and Jim Gray as the Alternate Public Member. Motion: Holmes/Patterson/6-1

8. Proposal between the North Tahoe Fire Protection District and the Meeks Bay Fire Protection District: The Commission was presented with an update and clarification discussion concerning a proposal being considered between the North Tahoe Fire Protection District and Meeks Bay Fire Protection District.

Ms. Berry stated that for several years the North Tahoe Fire Protection District has been serving the Meeks Bay Fire Protection District in El Dorado County. The two districts are preparing a request to annex Meeks Bay FPD into the North Tahoe FPD. She informed the Commission that the two LAFCO Executive Officers have met with the two fire districts and discussed various options. She will update the Commission at a later date.
9. Approval of Fiscal Year 2019-2020 Final Budget: The Commission were presented with the final budget and work plan for fiscal year 2019-2020. After discussion, a motion was made to approve the 2019-2020 Final Budget. Lynch/Weygandt/6-1

10. Executive Officer Reports: Updates were given.
    Legislative Committee update
    Proposal Status
    CALAFCO conference

11. Commissioner Reports: None

12. Adjournment: Chairman Rudd adjourned the hearing at 4:50 P.M.

Linda Wilkie, Clerk to the Commission
DATE:       July 5, 2019

TO:          Commissioners Alpine, Gore, Joiner, Kahrl, Patterson, Rohan, Weygandt.
             Alternate Commissioners Alvord, Gray, Holmes, Lynch

FROM:        Kris Berry, AICP, Executive Officer

SUMMARY
The proposed Lincoln Meadows Annexation (LAFCO 2019-04) would allow the annexation of approximately 43.87 acres to the City of Lincoln and Detachment from County Service Area 28, Zone 76 (Western Fire)

RECOMMENDED ACTION
Staff is recommending that the Commission:

1)         Adopt Placer LAFCO Resolution 2019-01, attached as Exhibit 1 and approving findings as a responsible agency for the Final Environmental Impact Report for the Lincoln Meadows Project (State Clearinghouse No. 2016072046), and

2)         Adopt Placer LAFCO Resolution 2019-02, attached as Exhibit 2, annexing the 43.87 acre territory to the City of Lincoln and detaching the territory from County Service Area 28, Zone 76 (Western Placer Fire).

3)         Waive requirements for protest proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, §56683

SUMMARY
This proposal would allow the annexation of approximately 43.87 acres to the City of Lincoln, and detach the territory from County Service Area 28, Zone 76 (Western Placer Fire). The Subject property is located immediately adjacent to the existing city boundary in the Northeastern area of the City, fronting on Virginatown Road, and is surrounded on the northern and eastern portions by agricultural lands. The territory is within the sphere of influence of the City of Lincoln.
DISCUSSION AND ANALYSIS

Description of Proposal

This proposal would allow the annexation of the approximately 43.87 acres to the City of Lincoln. Of the 43.87 acres, approximately 35.92 acres is proposed for residential development and 7.87 acres will be open space. The City has prepared and certified an Environmental Impact Report for the proposal, which has been reviewed for use by LAFCO as a responsible agency. Once property is annexed into the City, they will be served by the city's fire department, the application also includes detachment from Western Placer Fire (CSA Area 28, zone 76).

The area proposed for annexation is designated as “Rural Residential, 1-10 Acre Minimum” by the County General Plan and zoned “Farmlands, 4.6 Acre Minimum.” The City of Lincoln has prezoned the territory as “R-1” (Single Family Residential) and “O-S” (Open Space).

The property is relatively flat, with no development of the property other than a portion of a NID ditch crossing the property. The project also includes a 7.67 acre open space area that will include drainage basins, with portions intended to serve as wetland and vernal pool reserve.

As required by LAFCO policy, a Market Absorption study was prepared by John Burns, Real Estate Consulting, dated August, 2018 and is attached as Exhibit 4. The study estimated two potential scenario of absorption in their analysis. One analysis adopted a conservative scenario of approximately 275 new housing units annually over the next 20 years, which was based on residential permit activity from the last 10 years. A “normal” scenario based on data from the last 30 years indicates potential growth of approximately 500 units annually. These two versions of potential growth in Lincoln include areas already annexed into the city, as well as this proposal, Lincoln Meadows. The “conservative” approach estimates that substantial supply from existing developments would remain after the 20 year time horizon, 3,900 single family units and 1,250 multifamily units would remain to be built from 2038 forward. The “normal” scenario’s higher annual absorption would deplete existing residential supply by very early 2036, two years before the 20 year time frame. Approximately 1,250 multifamily units would remain beyond 2037. The study also notes that both of these projections are utilizing estimates below the “overheated” 2004-7 market period, the city averaged over 1,400 permits annually from 1999-2002. The study concludes that the results indicate that the City will need to annex areas not in its current boundaries to maintain the projected growth in the “normal” scenario, but not given the conservative scenario.

Although the territory is zoned Farmlands, as well as the property to the north and east, no agricultural use has occurred in some time. If these properties would become agriculturally active, the County’s Right to Farm Ordinance would help to protect the agricultural use of the neighboring properties. The soil classification on both the subject territory, and the neighboring agriculturally designated lands are Class 4, which indicates that the soils have very severe limitations that restrict the choice of plants or that require very careful management, or both. The territory is not under a Williamson Act Contract.

A Plan for services, as required, has been prepared and is attached as Exhibit “5.”
Prior to a proposal being scheduled for hearing, the City and the County must come to an agreement on tax-sharing. A Memorandum of Understand was reached between the City and County. The City adopted the tax sharing agreement on June 25, 2019 and is anticipated to be adopted by the County on July 9, 2019. This MOU and tax sharing agreement resulted from extensive negotiation between the City and County. A copy of the draft agreement is attached as Exhibit 6.

ENVIRONMENTAL ANALYSIS

Under the California Environmental Quality Act (CEQA), the lead agency (City of Lincoln) is the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment. A responsible agency is a public agency that has responsibility for carrying out or approving some aspect of the project. The lead agency must consult with responsible agencies and consider their comments in preparing the environmental document. A copy of the Final EIR for the proposal and Ordinance certifying the FEIR (CD) was sent to the Commissioners prior to the staff report distribution. The DEIR and FEIR have also been posted on the LAFCO website, and is available within the LAFCO offices.

The EIR prepared for the Specific Plan proposal identified potential significant and unavoidable impacts at both project and cumulative levels, including:

Transportation and Circulation

Three Study roadway segments would operate unacceptably under cumulative conditions with or without implementation of the proposed project. Operations associated with each intersection are described below:

- Sierra College Boulevard between State Route 193 & Taylor Road – operations would be altered as follows:
  - LOS F operations unchanged (zero increase in volume to capacity ratio) with the addition of 100 average daily project trips.

- Lincoln Boulevard between Joiner Parkway & State Route 65 Interchange – operations would be altered as follows:
  - LOS E operations unchanged (zero increase in volume to capacity ratio) with the addition of 300 average daily project trips.

- Virginatown Road between Hungry Hollow Road & McCourtney Road – operations would be altered as follows:
  - LOS R operations unchanged (0.04 increase in volume to capacity ratio) with the addition of 600 average daily project trips.

All other identified potential impacts are either considered insignificant or reduced to a level of insignificant by the approved mitigation monitoring plan adopted by the City along with the
certification of the EIR. A statement of overriding consideration was adopted by the City on February 27, 2018 (Resolution 2018-45, attached as part of Exhibit 1).

Staff has concluded that the FEIR as approved by the City is legally adequate for use by the Commission for the annexation.

Attachments:

Exhibit 1  Proposal map and legal description
Exhibit 2  Draft LAFCO Resolution 2019-01 certifying the FEIR (including City of Lincoln Resolution 2018-045 certifying the FEIR)
Exhibit 3  Draft LAFCO Resolution 2019-02 Annexing Territory into the City of Lincoln and detaching territory from CSA 28-76
Exhibit 4  Market Absorption Study
Exhibit 5  Plan for Services
Exhibit 6  Draft Tax sharing agreement

Environmental Impact Reports previously distributed via CD
LINCOLN MEADOWS

LEGAL DESCRIPTION
EXHIBIT “A”

LAFCO ANNEXATION No. 2018—
CITY OF LINCOLN

All that real property situated in the County of Placer, State of California and being a portion of Section 11, Township 12 North, Range 6 East, M.D.M. described as follows:

Beginning at a point on the boundary of “LAFCO Annexation No. 2015-03, Recorded August 22, 2016 as Document No. 2016-0069139-00, Official Records of Placer County, and the centerline of Virginia town Road and being a point on the North line of the South one-half of the Southwest One Quarter of Section 12; thence along said common line and the North line of the South one half of the Southeast One Quarter of Section 11, South 89°14'31” West, 1,455.02 feet to a point on the boundary of “LAFCO Annexation No. 2005-05, Recorded September 07, 2005 as Document No. 2005-0119524, Official Records of Placer County, and the southerly extension of the East line of a 42 foot wide Irrevocable Offer of Dedication as described in Document No. 2010-006259, Official Records of Placer County; thence along last said common line, North 00°07'41” West, 1,326.94 feet to the North line of said Northeast One Quarter (1/4) of Section 11; thence leaving the boundary of last said common line, along last said North line and extension thereof, North 89°16'03” East, 1,426.13 feet to the east line of Hungry Hollow Road; thence along said East line of Hungry Hollow Road, South 01°22'33” East, 1,326.30 feet to the Point of Beginning.
WHEREAS, a proposal to annex territory to the City of Lincoln was filed and accepted for filing by the Executive Officer of the Placer LAFCO on June 3, 2019. The proposal consists of an annexation of approximately 43.87 acres to the City of Lincoln and detachment from County Service Area 28, Zone 76. This proposal has been designated as LAFCO proposal 2019-4 (Lincoln Meadows Annexation)

WHEREAS, LAFCO set July 10, 2019 as the hearing date on this proposal and provided the required notice for the hearing, and

WHEREAS, the public hearing by this LAFCO was held upon the date and at the time and place specified in said notice of hearing and in any order or orders continuing such hearing, and

WHEREAS, the Executive Officer has reviewed this proposal and prepared a report, including recommendations on the adoption of a statement of overriding considerations regarding significant unavoidable impacts disclosed in the Final Environmental Impact Report for the proposal; and

WHEREAS, the City assumed the role of lead agency for the environmental review and analysis of the project pursuant to the requirements of the California Environmental Quality Act (CEQA), and

WHEREAS, Placer LAFCO had limited approval and implementing authority over the project and thus served as a responsible agency for the project pursuant to the requirements of CEQA, and

WHEREAS, the City of Lincoln, acting as lead agency, and the Local Agency Formation Commission, acting as responsible agency, determined the Final Environmental Impact Report has been completed in compliance with CEQA, and

WHEREAS, on February 27, 2018, the City Council adopted Resolution 2018-45, a copy of which is attached hereto, certifying a Final EIR, which included the Draft EIR and responses to comments, and adopting CEQA Findings of Fact, a Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations; and

WHEREAS, CEQA requires a responsible agency to accept an EIR as prepared by the lead agency and to treat the document as being legally adequate absent specified circumstances not present herein, and
WHEREAS, CEQA requires the Commission, as a responsible agency, to undertake its own environmental review if, in the time period between the City's certification of the EIR and the present, the Project or surrounding circumstances had changed to a degree requiring the preparation of a subsequent EIR or supplemental EIR; and

WHEREAS, no grounds exist for the preparation by the Commission of either a subsequent EIR or a supplemental EIR,

NOW, THEREFORE, BE IT RESOLVED that Placer Local Agency Formation Commission does hereby resolve, determine and find as follows:

A. Placer LAFCO adopts and incorporates herein as true and accurate statements and findings of fact all of the statements and recitals set forth in the preceding portions of this resolution and the entirety of the Findings of Fact and Statement of Overriding Considerations attached hereto as Exhibit A and hereby incorporated by reference.

B. Placer LAFCO makes the following additional findings, conclusions, and determinations:

1. CEQA Findings--Responsible Agency. Placer LAFCO is considered a responsible agency under CEQA for this FEIR. Placer LAFCO's CEQA review as a responsible agency is more limited than a lead agency and Placer LAFCO has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it carries out, finances, or approves. Placer LAFCO's use of the FEIR is limited to its consideration of the request to annex the Annexation Area to the City. Pursuant to CEQA Guidelines section 15096, Placer LAFCO has considered the FEIR prepared by the City and has determined that it is acceptable and legally adequate for use by Placer LAFCO.

2. Findings for Less Than Significant Environmental Impacts. Various significant and potentially significant environmental impacts have been mitigated to less than significant levels, as set forth in the CEQA Findings of Fact and Statement of Overriding Considerations. With respect to those significant impacts that require mitigation to be reduced to a less than significant level, LAFCO hereby finds that the measures at issue are within the responsibility and jurisdiction of another public agency and not LAFCO. Such changes either have been adopted by the City or can and should be adopted by other agencies. (Pub. Resources Code, § 21081, subd. (a)(2)).

3. Findings for Significant and Unavoidable Impacts. Certain significant and potentially significant environmental impacts are unavoidable as set forth in the attached CEQA Findings of Fact and Statement of Overriding Considerations. The impacts discussed were determined to be significant and unavoidable by the City.

Upon review of the impacts identified by the City as being significant and unavoidable,
Placer LAFCO has determined these impacts will remain significant and unavoidable after annexation and detachment and that there are no feasible mitigation measures that can be legally imposed by LAFCO. Placer LAFCO specifically acknowledges these impacts and Placer LAFCO adopts, to the extent applicable, the discussion of the significant and unavoidable impacts as set forth in the CEQA Findings of Fact and Statement of Overriding Considerations attached hereto as Exhibit A and incorporated herein by reference. With respect to those significant impacts that were subject to mitigation but could still not be reduced to less than significant levels, LAFCO hereby finds that the measures at issue are within the responsibility and jurisdiction of another public agency and not LAFCO. Such changes either have been adopted by the City or can and should be adopted by other agencies. (Pub. Resources Code, § 21081, subd. (a)(2).)

4. Findings for Project Alternatives. Project alternatives are discussed at length within the FEIR. The alternatives set forth in the Final EIR were directed at the City, in that the different options presented different permutations of a Specific Plan. Since the City Council has already rejected these alternatives as infeasible in detailed findings, LAFCO, given its lack of direct authority over land use under Cortese-Knox, is not in a position to impose a different version of the Specific Plan on the City. LAFCO’s role is to determine whether the Project submitted to LAFCO complies with LAFCO’s policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code, § 56000 et seq.) (“Cortese-Knox”). Although LAFCO has reviewed the City findings for the project alternatives, LAFCO declines to make separate findings regarding alternatives rejected by the City or to otherwise entertain alternatives over which it has no jurisdiction. For reasons set forth in the CEQA Findings of Fact and Statement of Overriding Considerations, the City Council rejected the alternatives set forth in the FEIR as being infeasible or unacceptable for various reasons. The Commission finds these reasons acceptable, and adopts them as its own to the extent that its statutory authority allows it to consider concerns such as those weighed by the City Council in approving the Project and rejecting alternatives. With respect to the alternatives rejected as infeasible by the City, LAFCO hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the Final EIR. (Pub. Resources Code, § 21081, subd. (a)(3).)

5. Statement of Overriding Considerations. As set forth in the preceding sections, Placer LAFCO’s approval of the annexation will result in impacts that remain significant and unavoidable. The City balanced the benefits of the annexation of the area against its significant and unavoidable environmental impacts and determined that the benefits of the Project outweigh its unavoidable adverse environmental impacts. Despite its impacts, Placer LAFCO also approves the annexation because the substantial economic, social, legal, technological, and other benefits that the Project will produce render the significant effects acceptable. This determination is based on the FEIR and other information in the record.

In light of the foregoing economic, social, recreational and planning benefits provided by the Project, pursuant to CEQA Guidelines section 15093, the Commission finds and

Resolution 2018-01
Approving CEQA Findings – Lincoln Meadows
determines that these considerable benefits of the Project outweigh the unavoidable adverse effects and the adverse environmental effects that cannot be mitigated to a level of environmental insignificance, are deemed acceptable.

6. **Mitigation Monitoring Plan.** The Commission is aware of the Mitigation Monitoring Plan adopted by the City to ensure implementation of the above-mentioned mitigation measures, as well as all others within the City’s control. The Mitigation Monitoring Plan is incorporated by reference herein. Since the FEIR did not recommend or identify any mitigation measures that should be implemented by Placer LAFCO, the Commission has no need to formally adopt any of its own mitigation measures or any separate mitigation monitoring plan or program.

The Executive Officer is directed to file a Notice of Determination with the County Clerk for Placer County within five (5) days of the adoption of this resolution.

On a motion by Commissioner ____________, seconded by Commissioner ____________, the foregoing resolution was passed and adopted by the Placer Local Agency Formation Commission at a meeting thereof this 10th day of July, 2019, by the following vote:

Ayes:

Nees:

Abstain:

Absent:

Signed after adoption:

By: __________________________
    Robert Weygandt, Vice-Chair

Attest:

______________________________
Kris Berry
Executive Officer

Resolution 2018-01
Approving CEQA Findings – Lincoln Meadows
EXHIBIT 3
PLACER LOCAL AGENCY FORMATION COMMISSION
Resolution No. 2019-02

Approving Determinations for an Annexation to the City of Lincoln and Detachment from CSA 28, Zone 76 (Placer County Fire)
(LAFCO No. 2019-04 Lincoln Meadows)

Whereas, an application was filed with the Executive Officer of the Placer Local Agency Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.—the "Act") for the annexation of certain territory as described in Exhibit 1, attached hereto and incorporated herein by reference (the "Territory") to the City of Lincoln ("City"); and detachment from CSA 28, Zone 76 (Placer County Fire)

Whereas, the Proposal is located on approximately 43.87 acres adjacent to the City of Lincoln, which area is shown and described in Exhibits 1 and 2, attached hereto and incorporated herein by reference (the "Territory"), and

Whereas, on February 27, 2018, the City, acting as lead agency under the California Environmental Quality Act (CEQA—Public Resources Code section 21000 et seq.), adopted resolution 2018-45 Certifying an Environmental Impact Report and adopting a Statement of Overriding Considerations and a Mitigation Monitoring Plan, and

Whereas, on June 26, 2018, the Lincoln City Council approved an annexation application (Resolution 2018-145), and

Whereas, on June 3, 2019, the City submitted an application to Placer LAFCO in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act"—Government Code section 56000 et seq.) requesting annexation of the territory and the application included a plan for service prepared in accordance with Placer LAFCO Policy 1.A.3, and

Whereas, the proposed territory is within the adopted Sphere of Influence for the City of Lincoln, and

Whereas, the Executive Officer of Placer LAFCO reviewed the proposed annexation of the Territory, duly noticed a public hearing, and prepared and submitted a report to the Commission regarding the annexation of the territory to the City, and,

Whereas, this Commission held a public hearing, received oral and written comments and evidence with respect to the proposed annexation and has duly considered the report of the Executive Officer and all other relevant evidence and information in full accordance with the requirements of the Act, and

Now, therefore, the Placer Local Agency Formation Commission does hereby adopt and incorporate herein as true and accurate statements and findings of fact all of the statements and recitals set forth in all of the preceding portions of this resolution, and
Further, the Commission does hereby determine, resolve and order, pursuant to its powers as provided in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as follows:

1. The Territory is inhabited under Section 56046 of the Act.

2. The Territory is located within the existing sphere of influence for the City.

3. The Commission has considered the following factors, among others, pertaining to the proposed annexation, and determines that this annexation is consistent with the provisions of the Act and Placer LAFCO Policies, as more fully discussed in the staff report dated July 5, 2019, which discussion is incorporated herein by reference:

   a. When developed, the Territory will require organized public services, including police and fire service, roads, solid waste, cable television, libraries and similar services, along with public utilities, including water supply, recycled water, wastewater, storm drainage, electric, and will include public resources such as parks and open space areas. The City approvals establish a comprehensive plan that will ensure the funding for infrastructure is in place to make such services available as demand develops within the Territory and that the services will be available when they are needed. The City will be capable of providing services to the Territory in a timely manner without diminishing its ability to provide services to the remainder of its residents.

   b. Annexation of the Territory will not impact the local government structure of the County.

   c. Annexation of the Territory provides additional land for the City to continue to develop in a planned, orderly and efficient pattern.

   d. The boundary of the City that will be created by the annexation will be logical, definite and certain, and follow right of way, property ownership, and parcel lines.

   e. The City has demonstrated that water supplies adequate for projected needs will be available in a timely fashion in accordance with Government Code section 65352.5.

   f. Annexation of the Territory will assist the City and will not adversely affect the County in achieving their respective fair shares of regional housing needs.

4. The distinctive short form for this proposal shall be: LAFCO No. 2019-04,

   Lincoln Meadows Annexation to the City of Lincoln.

5. The change of organization consists of the following:

   Annexation to the City of Lincoln
   Detachment from CSA 28 Zone 76.

Upon the Effective Date, the Territory shall be within the municipal boundaries of the Lincoln.

6. As of the Effective Date, the Territory shall be subject to all authorized or enacted ordinances, regulations, charges, fees, assessments and/or taxes of the City.

7. The regular County assessment roll shall be used for this change of organization.

Resolution 2019-02
Lincoln Meadows Annexation to the City of Lincoln
8. There shall be an exchange of revenues from the property tax base and the property tax increment and other taxes in accordance with Placer County Resolution No. 2019-

9. This approval is subject to payment of all necessary fees and charges of Placer LAFCO and of other agencies, including but not limited to the Board of Equalization.

10. This approval is subject to the following terms and conditions:

   1. The map and legal description shall be subject to final approval by the County Surveyors Office.


12. Upon satisfaction of all conditions of this approval, the Executive Officer is authorized to prepare and execute a Certificate of Completion in accordance with Government Code section 57200. The date of issuance of the Certificate of Completion shall constitute the Effective Date of this change of organization.

On a motion by Commissioner ____________, seconded by Commissioner ____________, the foregoing resolution was passed and adopted by the Placer Local Agency Formation Commission at a duly noticed meeting thereof this 10th day of July, 2019 by the following vote:

**Ayes:**

**Noes:**

**Abstain:**

**Absent:**

Signed after adoption:

____________________________
Robert Weygandt, Vice Chair

Attest:

____________________________
Kristina Berry, AICP, Executive Officer

Resolution 2019-02
Lincoln Meadows Annexation to the City of Lincoln
LINCOLN MEADOWS

LEGAL DESCRIPTION
EXHIBIT “A”

LAFCO ANNEXATION No. 2018—___
CITY OF LINCOLN

All that real property situated in the County of Placer, State of California and being a portion of Section 11, Township 12 North, Range 6 East, M.D.M. described as follows:

Beginning at a point on the boundary of “LAFCO Annexation No. 2015-03, Recorded August 22, 2016 as Document No. 2016-0069139-00, Official Records of Placer County, and the centerline of Virginiatown Road and being a point on the North line of the South one-half of the Southwest One Quarter of Section 12; thence along said common line and the North line of the South one half of the Southeast One Quarter of Section 11, South 89°14’31” West, 1,455.02 feet to a point on the boundary of “LAFCO Annexation No. 2005-05, Recorded September 07, 2005 as Document No. 2005-0119524, Official Records of Placer County, and the southerly extension of the East line of a 42 foot wide Irrevocable Offer of Dedication as described in Document No. 2010-006259, Official Records of Placer County; thence along last said common line, North 00°07’41” West, 1,326.94 feet to the North line of said Northeast One Quarter (1/4) of Section 11; thence leaving the boundary of last said common line, along last said North line and extension thereof, North 89°16’03” East, 1,426.13 feet to the east line ofHungry Hollow Road; thence along said East line of Hungry Hollow Road, South01°22’33” East, 1,326.30 feet to the Point of Beginning.
Lincoln Meadows
LAFCO Report – Prepared for RBM Land Company, LLC
Lincoln, California
Introduction and Background

Introduction

John Burns Real Estate Consulting ("JBREC") has been commissioned to assess the residential land market in the City of Lincoln to estimate the existing and potential demand for Lincoln Meadows ("Subject"), a 144-lot, 40-acre site in Placer County.

Lincoln Meadows is immediately east of the current northeastern boundary of Lincoln ("City"). Specifically, the Subject is northwest of the intersection of Virginiatown Road and Hungry Hollow Road, approximately two miles northeast of Downtown Lincoln. The proposed project is planned for the development of 144 single family detached homes on the 40-acre site with eight acres of open space and no other uses. Maps 1 and 2 identify the project's location, boundaries and land plan use.

Background

The Local Agency Formation Commission ("LAFCO") is responsible for “encouraging the orderly formation of local governmental agencies and the efficient provision of governmental services.” LAFCO has the authority to approve or deny the extension of services by creating and amending local government boundaries.

LAFCO requires a market absorption study to supplement the application for annexation in order to help guide decision making with regard to sphere of influence changes. This study is designed to assist LAFCO by evaluating projected growth demand in the annexation proposal in relation to remaining lands to be developed in the City.

LAFCO sets out specific guidelines for the market absorption study. The guidelines listed below are from Section 3.C.1.a of the Placer LAFCO Policies:

- Cover a 15 to 20 year planning horizon. (We use a 20 year horizon in this analysis.)
- Include all major land use categories proposed within sphere revision (residential, commercial, office, and industrial).
- Identify project and citywide buildout capacities for the proposed land uses.
- Provide an analysis of the competitive strength of the affected city and land uses within the regional market, and the proposed project land uses within the anticipated capture.
- Contain a breakdown of projected absorption and supply margins over time by both land use and by geographic planning area within the city. At minimum, the analysis should distinguish projected absorption between the proposed annexation area and the existing (infill) portion of the city.
Proposed Land Use and Site Plan

Proposed Development:

- The Subject, Lincoln Meadows, is proposed for 144 lots intended for single family detached homes. There are no commercial or other uses planned. There would be eight acres of open space and the homes would be introduced in two phases, but include a single product type per current development planning. Thus the Subject would sell continuously from market introduction until sell out.

- Per current planning, the Subject will enter the market (first sales to home buyers) in the Spring of 2020.

- As proposed, Lincoln Meadows is very much in keeping with typical residential development in Lincoln and the Roseville / Rocklin / Lincoln new home submarket of which the Subject is a part.

- The map on the next page shows the location and layout of the Subject, while the inset map seen below better illustrates the location of the Subject within the city of Lincoln. The Subject is located in northeast Lincoln. Specifically, the Subject is located north of Virginiatown Road and west of Hungry Hollow Road. This location is immediately east of, and adjacent to, the current boundary of the City of Lincoln.

Map 1: Subject Location

Source: RBM Land Co., LLC  
www.realtestsiteconsulting.com
Key Findings

Key Conclusions

- Lincoln has experienced rapid growth recently, increasing from 11,205 residents in 2000 to 42,819 in the 2010 U.S. Census and 47,674 in the most recent Census estimate (July, 2017). Growth slowed following the economic and housing market crisis of late 2008, but regional economic and housing conditions have been solid to strong since about mid-2012 and there would be substantial demand for housing in Lincoln given adequate supply. The state Department of Finance’s estimated growth for Placer County extrapolated to the City of Lincoln indicates growth of +/- 16,400 residents over the next 20 years, reaching a population of about 65,700. This projection translates into approximately 300 annual new dwelling units required to reach this population projection (given average household size). Note that this would reflect far slower growth than the historical norm for Lincoln, which has issued an average of 536 permits per year over the last 30 years.

- JBREC estimated two potential levels of future growth in Lincoln derived from historical trends. A “conservative” scenario posits +/- 275 new housing units annually over the next 20 years based on residential permit activity from the last 10 years. This period, however, has been slower than the long-term norm given slower economic and housing market conditions during much of it, as well as limited new supply in recent years. A “normal” scenario based on data from the last 30 years indicates potential growth of +/- 550 units annually. This sensitivity analysis, then, uses two versions of potential growth in Lincoln over the 20-year time horizon of interest to LAFCO. This growth includes existing portions of the City as well as Lincoln Meadows, but excludes areas outside of the City’s current purview (e.g., within the planning process of Placer County or not yet annexed by the City).

- In the conservative scenario, substantial supply from existing City developments would remain after the 20-year time horizon. Specifically, of the 10,509 units in current City boundaries plus the Subject, over 3,900 single family units and 1,250 multifamily units would remain to be built from 2038 forward. Conversely, the normal scenario’s higher velocity of annual absorption would deplete existing residential supply by very early 2036, two years before the end of the analytical 20-year time frame. About 1,250 multifamily units, however, would remain beyond 2037 (note that we assume limited demand for multifamily development in Lincoln and thus stagger that potential supply.) It is worth noting that the City has supported far higher demand even outside of the overheated 2004-07 market period. For instance, the City averaged over 1,400 permits annually from 1999-2002, very much a “normal” period in terms of market dynamics. Thus even the normal scenario used in this analysis can be considered cautious.

- These results indicate that the City will need to annex areas not in its planning process at present to maintain the pace of projected growth in the normal scenario, but not given the conservative scenario. This is most clearly true for single family units since multifamily units remain after 2037 in either scenario.
Summary of Methodology

Justification for the Subject is based on the level of unmet demand for the proposed land uses. We followed the methodology outlined below to determine this:

- **Subject Property Proposal.** We reviewed the land uses proposed for the Subject. The Subject will include 144 low density homes with no other developmental uses.

- **Residential Analysis.** In conjunction with the City of Lincoln ("City"), we identified the type and amount of residential development within the City and estimated the amount of remaining capacity, including the Subject. To estimate future residential development and demand, we examined historical residential growth trends in the City (residential permitting data). Based on this, we created absorption schedules for the City within its current boundaries (the existing City) and for the Subject. We developed conservative and normal scenarios based on historical supply levels in Lincoln. These build out schedules cover a 20-year period. Sources include the City’s existing General Plan and other planning documents, historical permit data, SACOG’s 2035 MTP employment growth projections, ESRI (a demographic data and forecasting firm), and the Bureau of Labor Statistics. Note that we consulted the City of Lincoln’s General Plan document, but used Department of Finance population projections since the General Plan document was published in 2008 and Department of Finance projects are far more timely.
Methodology and Permit Issuances

Residential Analysis

Our residential projections are supported by an analysis of residential trends in Lincoln and projected future growth in the City per the state Department of Finance.

- **Historical Growth Levels.** Lincoln has experienced tremendous growth since the early 2000s. Growing subregion employment (e.g., in Roseville), relative affordability, improving accessibility, and a maturing environment have fed growth. Table 1 below shows permit issuances for the City from 1986 through 2017. Over the last ten years, with depressed growth due to slower economic and housing market trends and, more recently, limited supply, the city has averaged 275 permits annually. Over a longer period, the last 30 years, this rises to 536 new residential units annually (rounded to 550 in our “normal” scenario below). We believe these two growth levels approximate what might be called “conservative” and “normal” growth patterns in the City.

**Permit Issuances**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Units</th>
<th>Single-Family Units</th>
<th>Multi-Family Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>205</td>
<td>0</td>
<td>205</td>
</tr>
<tr>
<td>1987</td>
<td>80</td>
<td>60</td>
<td>0</td>
</tr>
<tr>
<td>1988</td>
<td>64</td>
<td>64</td>
<td>0</td>
</tr>
<tr>
<td>1989</td>
<td>155</td>
<td>155</td>
<td>0</td>
</tr>
<tr>
<td>1990</td>
<td>138</td>
<td>138</td>
<td>0</td>
</tr>
<tr>
<td>1991</td>
<td>14</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>1992</td>
<td>25</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>1993</td>
<td>31</td>
<td>31</td>
<td>0</td>
</tr>
<tr>
<td>1994</td>
<td>56</td>
<td>56</td>
<td>0</td>
</tr>
<tr>
<td>1995</td>
<td>195</td>
<td>107</td>
<td>88</td>
</tr>
<tr>
<td>1996</td>
<td>22</td>
<td>22</td>
<td>0</td>
</tr>
<tr>
<td>1997</td>
<td>200</td>
<td>60</td>
<td>120</td>
</tr>
<tr>
<td>1998</td>
<td>173</td>
<td>173</td>
<td>120</td>
</tr>
<tr>
<td>1999</td>
<td>1,008</td>
<td>888</td>
<td>120</td>
</tr>
<tr>
<td>2000</td>
<td>1,490</td>
<td>1,490</td>
<td>0</td>
</tr>
<tr>
<td>2001</td>
<td>1,450</td>
<td>1,448</td>
<td>2</td>
</tr>
<tr>
<td>2002</td>
<td>1,415</td>
<td>1,415</td>
<td>0</td>
</tr>
<tr>
<td>2003</td>
<td>1,897</td>
<td>1,817</td>
<td>80</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Units</th>
<th>Single-Family Units</th>
<th>Multi-Family Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>2,099</td>
<td>2,099</td>
<td>0</td>
</tr>
<tr>
<td>2005</td>
<td>2,800</td>
<td>2,689</td>
<td>111</td>
</tr>
<tr>
<td>2006</td>
<td>1,042</td>
<td>938</td>
<td>104</td>
</tr>
<tr>
<td>2007</td>
<td>403</td>
<td>379</td>
<td>24</td>
</tr>
<tr>
<td>2008</td>
<td>165</td>
<td>165</td>
<td>0</td>
</tr>
<tr>
<td>2009</td>
<td>122</td>
<td>122</td>
<td>0</td>
</tr>
<tr>
<td>2010</td>
<td>92</td>
<td>50</td>
<td>0</td>
</tr>
<tr>
<td>2011</td>
<td>92</td>
<td>92</td>
<td>0</td>
</tr>
<tr>
<td>2012</td>
<td>216</td>
<td>216</td>
<td>0</td>
</tr>
<tr>
<td>2013</td>
<td>248</td>
<td>248</td>
<td>0</td>
</tr>
<tr>
<td>2014</td>
<td>286</td>
<td>286</td>
<td>0</td>
</tr>
<tr>
<td>2015</td>
<td>233</td>
<td>233</td>
<td>0</td>
</tr>
<tr>
<td>2016</td>
<td>217</td>
<td>217</td>
<td>0</td>
</tr>
<tr>
<td>2017</td>
<td>181</td>
<td>181</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Total (1986-2017)</th>
<th>Single-Family Units</th>
<th>Multi-Family Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>15,814</td>
<td>15,860</td>
<td>854</td>
</tr>
</tbody>
</table>

**Average 2006-2015 (past 10 years)**
- 275
- 264
- 11

**Average 1987-2017 (past 30 years)**
- 536
- 499
- 27
Demand, RHNA, Existing Capacity, and Future Supply

**Demand.** The state's Department of Finance projects the population of Placer County to increase by +/- 1.45% annually between 2018 and 2038. We applied this growth rate to the City of Lincoln. Given the current population basis, this would add over 16,400 new City residents over that 20-year period, or 821 annually on average. (Note that this period is effectively Jan. 1 2018 through Jan. 1, 2038, a 20-year period.) See Table 2 below. As noted above, we have posited both conservative and normal growth patterns to most accurately estimate potential total growth levels in Lincoln over this period. It is worth noting that the Lincoln growth projections could be considered somewhat conservative. While the City’s projected growth of an average of 821 new households is above that experienced so far this decade, much of this period has been during first an economic recession followed by limited new housing supply. The City’s population nearly quadrupled in the 2000s, adding over 4,500 residents annually during that decade, demonstrating Lincoln’s potential for growth.

<table>
<thead>
<tr>
<th>Item</th>
<th>2018</th>
<th>(2038)</th>
<th>Average Annual Growth</th>
<th>Absolute Growth 2018-2038</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Lincoln</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population</td>
<td>49,306</td>
<td>65,723</td>
<td>821</td>
<td>16,417</td>
</tr>
<tr>
<td>Dwelling Units</td>
<td>18,293</td>
<td>24,342</td>
<td>302</td>
<td>6,049</td>
</tr>
<tr>
<td>Employees</td>
<td>7,485</td>
<td>11,680</td>
<td>210</td>
<td>4,195</td>
</tr>
<tr>
<td>Persons per Household</td>
<td>2.70</td>
<td>2.70</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


The Regional Housing Need Allocation (RHNA) is a state mandated process in which the number of housing units a locale should accommodate is identified by affordability level. The requirements are then given to local jurisdictions in order to achieve an appropriate supply of affordable housing. Given the Subject’s likely housing product and price points – detached homes at market rates – the Subject should have no impact on the supply of affordable housing in Lincoln.
Capacity

- Existing Capacity and Potential Future Supply. As of 2018, the City has just 10,365 residential units remaining in planned developments within existing City boundaries adding single family and multifamily dwellings. Table 3 to the right details this single family and multifamily capacity in Lincoln. (Note that we include projects yet to be officially annexed at the bottom of this table, but these units are not included in our further absorption analysis since they are not within existing City boundaries at present.) The vast bulk of this potential new development would be in the form of single family product, whether detached or attached.

- There are multifamily units planned in both Village 1 and Village 7. The bulk, if not all, of the potential future multifamily units would be developed as rental units.

<table>
<thead>
<tr>
<th>Table 3</th>
<th>Lincoln Residential Future Supply</th>
<th>Estimated Residential Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Project</td>
<td>SFD</td>
</tr>
<tr>
<td>Existing City</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lakeside 7 &amp; 8</td>
<td>SFD</td>
<td>85</td>
</tr>
<tr>
<td>Meadowlands</td>
<td>SFD</td>
<td>190</td>
</tr>
<tr>
<td>Cresleigh Grove</td>
<td>SFD</td>
<td>83</td>
</tr>
<tr>
<td>Turkey Creek</td>
<td>SFD</td>
<td>391</td>
</tr>
<tr>
<td>Twelve Bridges V-11</td>
<td>SFD</td>
<td>156</td>
</tr>
<tr>
<td>Twelve Bridges V-12</td>
<td>SFD</td>
<td>381</td>
</tr>
<tr>
<td>Twelve Bridges V-1</td>
<td>SFD</td>
<td>152</td>
</tr>
<tr>
<td>Education Foundation</td>
<td>SFD</td>
<td>71</td>
</tr>
<tr>
<td>Lincoln Crossing V-11</td>
<td>SFD</td>
<td>166</td>
</tr>
<tr>
<td>Independence/Fullerton Ranch</td>
<td>SFD/MFD</td>
<td>581</td>
</tr>
<tr>
<td>Village 7</td>
<td>SFD/MFD</td>
<td>1,698</td>
</tr>
<tr>
<td>Village 1</td>
<td>SFD/MFD</td>
<td>4,554</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>8,508</td>
</tr>
</tbody>
</table>

| Future Annexation            |                                  |     |     |       |               |
| Lincoln Meadows              | SFD                              | 144 | 0   | 144   | Future Annexation |
| Village 5                    | SFD/MFD                          | 6,747 | 1,441 | 8,188 | Annexation Pending |
| SUD-B                        | SFD                              | 430 | 0   | 430   | Future Annexation |
| Totals                       |                                  | 7,321 | 1,441 | 8,762 |               |
Absorption Scenarios

- **Conservative and Normal Scenarios.** We estimated two potential Lincoln residential absorption levels for this analysis, a “conservative” and “normal” level, as noted above. To recap, The conservative scenario is based on permit trends from the last 10 years, a period that includes far lower than normal market activity given the slower economy and the fallout from the housing market crash. The normal absorption scenario is derived from the last 30 years of permit activity so includes the slower more recent years as well as periods of faster growth to arrive at a more historically accurate estimate of future growth. The two figures are 275 annual new housing units in Lincoln for the conservative scenario and 550 (rounded from a 536 average) for the normal scenario.

- **Base Case (City Boundaries Only).** The annual absorption levels seen in Tables 4 (conservative) and 5 (normal) start from a very approximate current permit level (2018, estimated from data through June) and ramp up toward the average levels of the two scenarios. This ramping up period is due to the limited amount of likely new development in the City in the very near future (next one to two years). This ramping up period is fairly brief since we expect Village 1 housing product to enter the market within the next couple of years. By 2021 we assume the two absorption levels in full. This provides a sensitivity analysis that portrays two potential growth forecasts for Lincoln based on historical trends.
# Absorption Scenarios – Conservative Scenario

<table>
<thead>
<tr>
<th>Year</th>
<th>SFD</th>
<th>Multifamily</th>
<th>Subtotal</th>
<th>SFD</th>
<th>Multifamily</th>
<th>Subtotal</th>
<th>Total Abs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remaining as of 2018</td>
<td>8,508</td>
<td>1,857</td>
<td>10,365</td>
<td>144</td>
<td>0</td>
<td>144</td>
<td>10,509</td>
</tr>
<tr>
<td>2018</td>
<td>150</td>
<td></td>
<td>150</td>
<td>32</td>
<td></td>
<td>32</td>
<td>150</td>
</tr>
<tr>
<td>2019</td>
<td>250</td>
<td></td>
<td>250</td>
<td>48</td>
<td></td>
<td>48</td>
<td>250</td>
</tr>
<tr>
<td>2020</td>
<td>218</td>
<td></td>
<td>218</td>
<td>48</td>
<td></td>
<td>48</td>
<td>218</td>
</tr>
<tr>
<td>2021</td>
<td>227</td>
<td></td>
<td>227</td>
<td>48</td>
<td></td>
<td>48</td>
<td>227</td>
</tr>
<tr>
<td>2022</td>
<td>227</td>
<td></td>
<td>227</td>
<td>16</td>
<td></td>
<td>16</td>
<td>227</td>
</tr>
<tr>
<td>2023</td>
<td>259</td>
<td></td>
<td>259</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2024</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2025</td>
<td>275</td>
<td>200</td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2026</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2027</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2028</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2029</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2030</td>
<td>275</td>
<td>200</td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2031</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2032</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2033</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2034</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2035</td>
<td>275</td>
<td>200</td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2036</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2037</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
<td></td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>2038+</td>
<td>3,927</td>
<td>1,257</td>
<td>5,184</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5,184</td>
</tr>
<tr>
<td>Average Annual Absorption (2018-2037)</td>
<td>229</td>
<td>0</td>
<td>259</td>
<td>36</td>
<td>0</td>
<td>36</td>
<td>266</td>
</tr>
<tr>
<td>Cumulative Absorption (2018-2037)</td>
<td>4,581</td>
<td>600</td>
<td>5,181</td>
<td>144</td>
<td>0</td>
<td>144</td>
<td>5,325</td>
</tr>
</tbody>
</table>

Note: We have assumed low density and medium density units will be built as SFD while high density units will be built as MFR.
Limiting Conditions

Our analysis and conclusions are based on public data (e.g., City of Lincoln, Department of Finance, Sacramento Area Council of Governments) and reliable private source (e.g., ESRI for demographic data). We assume data and information are correct and reliable. Our conclusions represent our best estimates given these data, as well as current and expected market conditions. Economic conditions can change and real estate markets are cyclical, so it is critical to monitor the economy and real estate market continuously, and to revisit key growth assumptions periodically to ensure that they are still appropriate. We have no responsibility to update our product analysis for events and circumstances occurring after the date of our report.
Access to Our Nationwide Team of Experts

Our consulting team has a broad range of housing expertise that spans the country. From consumer research to feasibility studies to portfolio valuation, feel free to reach out to our experts.
Lincoln Meadows Project

Findings of Fact and Statement of Overriding Considerations

February 2018
## 1 INTRODUCTION

The Lincoln Meadows Project ("project") has been considered by the City of Lincoln City Council, as the decision-making body of the City of Lincoln (City), the lead agency for the project under the California Environmental Quality Act (CEQA). The environmental analysis contained in the Environmental Impact Report (EIR) for the project provides a thorough evaluation of significant and potentially significant effects on the environment that would occur as a result of project development and alternatives to the project.

The State CEQA Guidelines state the following regarding approving a project in Public Resources Code, Section 21081:

> No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

1. The public agency makes one or more of the following findings with respect to each significant effect:
   1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
   2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
   3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained, well-prepared workforce, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

2. With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (j), the public agency finds that specific overriding waives, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

Because the EIR identified significant effects that would occur as a result of the project, and in accordance with the provisions of the State CEQA Guidelines, the City Council hereby adopts these findings as part of the approval of the project.

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the Draft EIR or Final EIR; and adopt by reference the City Council’s findings on the significance of each impact after the imposition of the adopted mitigation measures, accompanied by a brief explanation. Full explanations of these environmental findings and conclusions can be found in the Draft EIR and Final EIR. These findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EIR’s determinations regarding mitigation measures and the project’s impacts and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft EIR and Final EIR and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft EIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.
2 DESCRIPTION OF THE PROJECT

Project Location

The project site is located north of Virginiatown Road and west of Hungry Hollow Road within an unincorporated area of Placer County. The project site is located within the City of Lincoln Sphere of Influence (SOI), within the Village 2 planning area of the 2008 City of Lincoln General Plan. The project site consists of approximately 43.87 acres, which includes the 40-acre tentative map site (APN 020-231-001), an approximately 2.15-acre linear parcel between the tentative map site and Hungry Hollow Road (APN 020-230-001), a 1.25-acre portion of Hungry Hollow Road fronting APN 020-250-001, and the northern portion of Virginiatown Road fronting the project site.

Land use in the vicinity of the project site is generally characterized primarily by single-family residences associated with the Lincoln Highlands subdivision located to the west of the site and undeveloped agricultural land to the north. The western edge of the property is bordered by a 40-foot-wide Nevada Irrigation District (NID) easement, then a 5-foot-high masonry block wall, after which is the single-family residential subdivision. A 42-foot-wide irreplaceable offer of dedication (IOD) exists along the entire length of the western boundary of the site, which is associated with a potential future collector road north of Virginiatown Road that was considered when the Lincoln Highlands subdivision project was approved. The NID easement runs on top of the roadway IOD. The southern edge of the project site is bordered by Virginiatown Road, south of which is the decommissioned city landfill, which closed in 1976. The northern portion of the approved Village 1 Specific Plan is also south of Virginiatown Road. The eastern edge of the project site is bordered by rural residential uses and undeveloped land (east of Hungry Hollow Road). The parcel to the north of the project site is undeveloped grassland, which is designated as Rural Residential and zoned Farm, by the County. Although the lot to the north of the project site is zoned for farming uses, by the County, agricultural-related activities (i.e., grazing) are not known to have occurred on the lot to the north of the project site since 2000. Carol C. Coppee Elementary School is located approximately one mile west of the site on East 12th Street.

Project Components

This section of the Project Description chapter is arranged according to the entitlements being sought for the proposed project. The order of entitlements is based upon first discussing City of Lincoln approvals, given that the City is the CEQA lead agency for the project, and secondly discussing Placer County Local Agency Formation Commission (LAFCo) approvals, as LAFCo is considered a responsible agency for the Lincoln Meadows project.

City of Lincoln Approvals

The following City of Lincoln approvals would be required for the proposed project.

Annexation Resolution

The proposed project site is located within the City of Lincoln Sphere of Influence (SOI), within the Village 2 planning area of the 2008 City of Lincoln General Plan. Implementation of the project would require City of Lincoln approval of an annexation resolution authorizing submission of an annexation application to Placer County LAFCo for the project site. Policy 7.0 of the Placer County LAFCo states that roadways adjacent to a property being annexed should be included in the annexation request if among other factors, the primary users of that portion of the road would likely be generated by the annexed entity. Therefore, the annexation resolution submitted to Placer County LAFCo would include the project site, the portion of Virginiatown Road adjacent to the project site, the portion of Hungry Hollow Road adjacent to the project site, and the intervening 2.15-acre linear parcel to avoid the creation of an island property.

General Plan Amendment

The proposed project site currently lies in a Placer County General Plan Land Use designation of Rural Residential. According to the City's General Plan Land Use Diagram, the project site is currently designated Village, and is within the Village 2 planning area. The project includes a request to amend the City of Lincoln General Plan Land Use Diagram to remove the project site from Village 2 and re-designate 7.95 acres of the project site as Open Space and 33.92 acres as Low Density Residential (LDR).

Preliminary Subdivision Map

The proposed project site is currently zoned by Placer County as Farm, 4.64-acre minimum. According to Government Code Section 65755(c)(2)(C)(7), LAFCo shall require, as a condition to annexation, that a city present any territory to be annexed. The proposed City of Lincoln designation for the project site is 7.95 acres of Open Space and 33.92 acres of R-1 Single Family Residential.

Preliminary Subdivision Map

The proposed project would include the subdivision and development of 144 one- and two-story single-family homes, two landscape lots, a 7.67-acre wetland open space lot with two stormwater detention basins, and a 0.28-acre open space lot. Residential lots would range in size from 6,000 square feet to 12,787 square feet, with an average lot size of 9,594 square feet.

Access and Circulation

Primary access to the project site, for Phase 1, would be provided by one access point from Virginiatown Road. In addition, one temporary emergency access point would be provided to the site from Virginiatown Road until such time that the future roadway connection to Hungry Hollow Road is constructed on a portion of the 2.15-acre linear parcel.

As part of the project's frontage improvements, Hungry Hollow Road would be widened from 22 feet to 24 feet, and four-foot-wide paved shoulders would be added to both sides of the roadway along the project frontage. Virginiatown Road would also be widened along the project frontage to include six-foot planters, curbs and gutters, and a non-motorized sidewalk. The proposed side road would connect to the existing Virginiatown Road sidewalk which currently ends at the site's southwestern corner at the Lincoln Highlands subdivision, and would provide a continuous pedestrian connection to the west. Project improvements also include improving approximately 63,000 square feet of Virginiatown Road, which roughly equals the stretch of Virginiatown Road along the project's frontage.

On-site circulation for the project would be provided by 48-foot-wide and 54-foot-wide roadways. The roadways would be lined on both sides by street trees and sidewalks. The Phase 2 area of the proposed project would include a central roundabout to assist with on-site circulation. Two-car garages would be provided at a minimum for each proposed residence. In accordance with the City's Municipal Code, and a third garage bay may be included for each home depending on the home design. In addition, street parking would be allowed along the streets throughout the project site.

Landscaping and Open Space

The 7.67-acre open space area would be located in the southwestern corner of the site. The open space would include two detention basins for stormwater quality and detention purposes with portions intended to serve as a wetland and vernal pool preserve. In addition, two landscape lots would be provided near the entryways to the subdivision. Two narrow landscaping strips, including a 0.01-acre landscape lot and a 0.27-acre landscape lot, would be provided along the southern project frontage.
adjacent to Virginia town Road. In addition, the applicant proposes a 0.23-acre open space lot that would be located at the southeastern corner of the 40-acre tentative map site adjacent to Virginia town Road and Hungry Hollow Road.

As discussed in the Noise chapter of this EIR, for attenuation of traffic noise levels, a seven-foot-tall noise barrier is required to be constructed along the southern boundary of the project site, specifically, along lots 1-12, and 78. The design of the wall will be determined during the design review process for the project, but is anticipated to be a masonry block wall with decorative cap, intended to visually resemble the existing wall for the adjacent Lincoln Highlands subdivision. Landscaping would be installed between the masonry wall and Virginia town Road, which would consist of a six-foot planter, 6.5-foot pedestrian easement, and a 20-foot landscape easement.

City of Lincoln Utilities

The proposed project would require improvements to the following utility systems in order to support the operation of the project.

Sewer Service
Sanitary sewer service would be provided to the project site by the City of Lincoln. The nearest sanitary sewer line is the 10-inch line located in Virginia town Road; however, the line is capped at the City boundary and near the southwestern corner of the site. The proposed project would include the extension of the 10-inch sanitary sewer line in Virginia town Road to the southwestern corner of the site to serve the proposed project. Eight-inch sanitary sewer lines would be constructed in the proposed on-site roadways and connect to the extended Virginia town Road sewer lines.

Water
Water service for the proposed project would be provided by the City of Lincoln. As part of the project, the existing 18-inch water line, which is stubbed at the project site’s southwestern boundary, will be extended along Virginia town Road to the southeastern corner of the site to serve the proposed project. From this 18-inch line, both a 12-inch water line and an eight-inch water line would be extended to the project site and within on-site roadways to transport water from City water lines to the proposed homes.

Drainage
The property lies within two watersheds, with the northern portion of the property, approximately 30 acres, draining toward Aurburn Ravine, and the southern portion of the property, approximately 12 acres, draining toward Auburn Ravine. With development of Lincoln Meadows, onsite runoff will continue to drain to both Mactham Ravine and Auburn Ravine. The project grading has been designed to keep the overall land drainage to each of the major watersheds as close to the existing split as possible. Under post-project conditions, 29 acres of the project site will drain north to Mactham Ravine and 13 acres will drain south to Auburn Ravine. To mitigate for the potential increase in runoff due to development, two detention basins are proposed to be constructed with the project, one for each of the major watersheds.

Currently, runoff exits the project site through four outlet structures. Three of the existing outlet structures are located on the southern portion of the site, and the fourth, which is in the form of a natural channel, is located near the northwest corner of the site. Runoff exiting the site from the three southern outlets flows to Auburn Ravine, while the north outlet directs flows towards Mactham Ravine. The proposed project would include limited improvements to the existing outlet structures, including adding a drain inlet filter and replacement pipe to the southeast outfall, and replacing a single drain pipe under Virginia town Road, which connects to the south outfall, with three, 15-inch pipes. The north and southwest outfalls would not be altered as part of the proposed project.

Nevada Irrigation District Canal

The proposed project includes the realignment and undergrounding of the existing NID canal that traverses generally through the center of the site. An 18-inch raw water line would be constructed within on-site roadways to re-route NID water from the northern boundary of the project site to an existing portion of the canal at the site’s western boundary. Portions of the existing canal located within the proposed development area would then be filled in during grading. The canal transports water to the western boundary of the site, where the water enters an existing 10-inch pipe, and leaves the site. An additional 18-inch pipe near the 10-inch pipe is used to transport overflow from the NID canal, off-site, to the southwest outfall structure. The existing 18-inch pipe would continue to be used for NID overflow, and the proposed project does not include any diversions to the existing 18-inch NID pipe.

Phasing

The proposed project is anticipated to be developed in two phases. Material movement within the site is anticipated to balance, and material import or export is not anticipated during either phase of development. Although the proposed project is anticipated to develop in two phases, the Air Quality and Greenhouse Gas Emissions analysis, conducted for the proposed project and presented in Section 4.2 of the EIR, used the assumption that the proposed project would be constructed in a single phase. Assuming construction would occur over one phase rather than two phases provides a conservative analysis for air quality and greenhouse gas emissions estimating purposes. Nevertheless, the anticipated project phasing is presented below.

Phase 1 (Southern Portion)
According to the Tentative Map, Phase 1 includes development of the southern portion of the proposed project, nearest to Virginia town Road. Phase 1 would include the construction of 78 single-family homes, two water detention basins within the 7.67-acre open space lot, a secondary open space lot, frontage improvements to Virginia town Road, the two landscaping lots, and all accompanying internal roadways and utilities.

Phase 2 (Northern Portion)
The northern portion of the proposed project includes 66 single-family homes, the connection of internal roadways to Hungry Hollow Road all accompanying internal roadways and utilities, and one roundabout in the center of the site to assist with internal roadway circulation.

Placer County LAPCo Approvals

Annexation
The proposed project includes a request for annexation of the approximately 40-acre tentative map site (APN 021-231-015); the approximately 2.15-acre linear parcel (APN 021-250-601); between the tentative map site and Hungry Hollow Road; the 1.2-acre portion of Hungry Hollow Road fronting APN 021-250-601; and the northern portion of Virginia town Road fronting the tentative map site, into the City of Lincoln. Thus, the total annexation area is approximately 43.87 acres. The proposed annexation area is located directly outside to the City's northeastern border in unincorporated Placer County, within the City's SOI. The 2.15-acre parcel is included in the annexation area, but no development is proposed for this parcel as part of the Lincoln Meadows Project.
Detachment from the Western Placer Fire County Service Area (CSA) 38 Zone 76.

The 43.66-acre project site is currently located within the Western Placer Fire CSA 38 Zone 76. Within the Western Placer Fire CSA, Placer County provides fire protection services to the project site and surrounding area through a contract with CAL FIRE. Annexation of the project site to the City of Lincoln would require Placer County LAFCo approval of the detachment of the project site from Western Placer Fire CSA 38 Zone 76, as the City of Lincoln Fire Department would provide fire protection services to the proposed project upon annexation.

**Project Objectives**

The following project objectives have been developed by the project applicant for the proposed project:

1. Provide the City of Lincoln with a project sized in the 150-unit range, with lot sizes comparable to those in the adjacent Lincoln Highlands subdivision, and consistent with the 2008 Lincoln General Plan assumptions for the project site;

2. Complete the land use planning for the last parcel in the 2008 Lincoln General Plan adjacent to the south side of Virginisitown Road and within the City's SOI with a walkable residential development consistent with Blueprint Principles of the Sacramento Area Council of Governments (SACOG);

3. Create an attractive gateway to Lincoln on Virginisitown Road from the east as residents and visitors enter the northeastern portion of the City;

4. Improve the City's tax base by replacing a long-standing undeveloped property with market ready housing and lot sizes attractive to a broad range of homeowners;

5. Create a sustainable residential development that maximizes opportunities for energy efficiency, water conservation, and use of renewable energy systems; and

6. Provide a housing development with approximately twenty percent of the project site in open space.

Based on its own review of the EIR, and other information and testimony received in connection with the project application, the City Council finds these objectives to be acceptable and persuasive from a public policy standpoint. In choosing to approve the project, the City Council finds these objectives vitally as the City's own, and accords them weight in considering the feasibility of alternatives set forth in the EIR, and in invoking overriding considerations in approving the project. (See Sierra Club v. County of Siskiyou (2004) 121 Cal.App.4th 1490, 1097-1508, Seyoum v. Homeowners Assn. City of Oakland (1993) 23 Cal.App.4th 704, 715 (Seyoum II)).

**3 PROCEDURAL HISTORY**

A Notice of Preparation (NOP) to prepare an EIR for the Lincoln Meadows Project was first circulated to agencies and the public from July 20 to August 18, 2016. The City of Lincoln held an NOP scoping meeting during the 30-day review period on August 17, 2016, for the purpose of receiving comments on the scope of the environmental analysis to be prepared for the proposed project. The City prepared a Draft EIR, and released it for public comment on July 6, 2017. The Draft EIR was submitted to the State Clearinghouse for distribution to state agencies. Public comments on the Draft EIR were received through August 21, 2017, and a public hearing on the Draft EIR was held in front of the City Planning Commission on August 17, 2017. Local agencies were separately notified regarding the availability of the Draft EIR, from October 31, 2017 to December 14, 2017. Responses were prepared to all environmental issues raised in public comments. The City published and released the Final EIR along with an associated Notice of Availability (NOA) on January 5, 2018.

The City gave due notice of the public hearing to be held by the City Council to consider and act upon the Final EIR for the project, and a public hearing was held before the City Council.

After closing the hearing to public comment, the City Council, having considered the Final EIR as prepared for the project (which includes the Draft EIR dated July 2017 and the Final EIR, dated January 2018), the comments of the public, both oral and written, and all written materials in the record connected with the Draft and Final EIR, and the project, makes the following findings:

1. The Final EIR has been prepared in accordance with all requirements of State CEQA Guidelines.

2. The Final EIR was presented to and reviewed by the City Council. The Final EIR was prepared under the supervision of the City and reflects the independent judgment of the City. The City Council has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.

3. The City finds that the Draft EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice. Thus, the alternative analysis in the Draft EIR is sufficient to carry out the purposes of such analysis under State CEQA Guidelines.

4. The City Council hereby certifies the Final EIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the project approval and makes the following specific findings with respect thereto.

5. The City Council agrees with the characterization of the Draft EIR and Final EIR with respect to those impacts identified as "less-than-significant" and finds that those impacts have been described accurately and are less-than-significant as so described to the Draft EIR and Final EIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced by mitigation measures to a level characterized in the Draft EIR and Final EIR as less-than-significant or impacts characterized in the Draft EIR and Final EIR as significant and unavoidable. Each of those impacts, and the mitigation measures adopted to reduce them, are dealt with specifically in the findings below.

6. The City Council agrees with the characterization of the Draft EIR and Final EIR with respect to Impact 4.10-10, "Cumulative Impacts to study roadway segments". This impact is identified as significant and unavoidable because feasible mitigation does not exist to fully reduce the cumulative transportation and circulation impact to a less-than-significant level.

7. All mitigation measures proposed in the Draft EIR and Final EIR are adopted and incorporated into the project.

8. The Mitigation Monitoring and Reporting Program (MMRP) with apply to all mitigation measures adopted with respect to the project pursuant to all of the project approvals, and will be implemented.

9. The mitigation measures and the MMRP have been incorporated into the Conditions of Approval for the project and have thus become part of and limitation upon the entitlement conferred by the approval of the project.

10. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Draft EIR and Final EIR for a more complete description.
11. The City of Lincoln is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with Public Resources Code section 21155(c) and CEQA Guidelines section 15094.

4 INCORPORATION BY REFERENCE

The Draft EIR and Final EIR are hereby incorporated into these Findings in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the rationales for approving the project.

5 RECORD OF PROCEEDINGS

The record of proceedings used by the City in making its decision regarding the project includes the following documents:


(2) The Draft EIR for the Lincoln Meadows Project (dated July 2017).

(3) All documentary and oral evidence received at public hearings or submitted to the City prior to the time these Findings are adopted relating to the proposed project, alternatives, or the EIR.

(4) The Final EIR (dated January 2018), including all comments received on the Draft EIR and the responses thereto.

(5) These Findings made by the City Council.

(6) All final City staff reports relating to the above-referenced CEQA documents, including the EIR and/or the proposed project.

(7) The City of Lincoln General Plan (March 2008, as amended) and all environmental documents relating thereto.

(8) The City of Lincoln Public Facilities Element and all environmental documents relating thereto.

(9) All other reports, documents, studies, memos, drafts, maps, or other planning documents relating to the proposed project, the Draft and Final EIR for the Lincoln Meadows Project, prepared by the City, consultants to the City, or responsible or trustee agencies.

(10) All matters of common knowledge to the City Council, including but not limited to the City’s plans, codes, policies, guidelines, and regulations.

(11) All other documents comprising the record pursuant to Public Resources Code Section 21157(b), including but not limited to:


Stanlee Consulting Services, Inc. Midwestern Placer Regional Sewer Project SIR. February 2013.

Tolan, Dwayne, Division Chief, Lincoln Fire Department. Personal communication (email) with Jacob Byars, Associate, Rency Planning and Management, May 8, 2017.

Tolan, Dwayne, Division Chief, Lincoln Fire Department. Personal communication with Nick Pappas, Vice President, Rancy Planning and Management, January 11, 2017.


The documents described above comprising the record of proceedings are located in the offices of the City of Lincoln Community Development Department, 600 Sixth Street, Lincoln, California 95648. The curtailment of these documents is the Director of Community Development or the City Clerk and his/her designee.

The City Council has relied on all of the documents listed above in reaching its decision on the project, even if not every document was formally presented to the City Council or City staff as part of the City files generated in connection with the project. Without exception, any documents set forth above not found in the project files fall into one of two categories. A number of them reflect prior planning or legislative decisions with which the City Council was aware in approving the 2008 City of Lincoln General Plan (See City of Santa Cruz v. Local Agency Formation Commission (1978) 76 Cal.App.3d 381, 391-392; Danvers v. Department of Personnel Administration, 34 Cal.App.3d 725, 735, fn. 6.) The remainder of the documents included the expert advice provided to City Staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the City Council's decisions relating to the approval of the project. (See Pub. Resources Code, § 21167, subd. (a)(10); Browning-Ferris Industries v. City Council of City of San Jose (1980) 181 Cal.App.3d 852, 865; Stanislaus Audubon Society, Inc. v. County of Stanislaus (1995) 33 Cal.App.4th 144, 153, 155.)
6 GENERAL FINDINGS

The City has reviewed the Final EIR, consisting of Responses to Comments on the Draft EIR, and the MMRP. The City has also considered the public record on the project.

It should be noted that the Initial Study prepared for the proposed project did not include mitigation measures. Neither, topics within each issue area were either characterized as having no impact, a less-than-significant impact, or a potentially significant impact. All potential significant impacts are addressed in the Draft EIR and Final EIR.

After reviewing the public record, as composed of the aforementioned elements, the City hereby makes the following findings regarding the significant effects of the project, pursuant to Public Resources Code Section 21081 and Section 15091 of the State CEQA Guidelines.

A. IMPACTS DETERMINED TO BE LESS-THEAN-SIGNIFICANT

Except as stated otherwise in certain cases below, the City agrees with the characterization in the Draft and Final EIR, with respect to all impacts initially identified as “less-than-significant” and finds that these impacts have been described accurately and are less-than-significant, as described in the Draft and Final EIR. This finding applies to the following impacts:

4.1-1 Substantial adverse effect on a scenic vista.
4.1-2 Substantially degrade the existing visual character or quality of the project site and/or the site’s surroundings.
4.1-3 Long-term changes in visual character of the region associated with cumulative development of the proposed project in combination with future buildout in the City of Lincoln.
4.1-4 Cumulative impacts related to the creation of new sources of light or glare associated with development of the proposed project in combination with future buildout in the City of Lincoln.
4.1-5 Violate any air quality standard or contribute substantially to an existing or projected air quality violation during construction.
4.1-6 Expose sensitive receptors to substantial pollutant concentrations.
4.1-7 Create objectionable odors affecting a substantial number of people.
4.1-8 Emission of GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.
4.1-9 Cumulative loss of habitat in the City of Lincoln area for special-status species.
4.1-10 Cumulative development in the City of Lincoln, in conjunction with the development of the proposed project, would contribute incrementally to the regional loss of natural resources in the City of Lincoln.
4.1-11 Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death due to strong seismic ground shaking or liquefaction.
4.1-12 Substantial erosion or the loss of topsoil.
4.1-13 Cumulative geologic impacts and hazards.
4.1-14 Substantially alter the existing drainage pattern of the site or area, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems.

4.6-3 Violate any water quality standards or waste discharge requirements; provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality during operations.
4.6-4 Substantially deplete groundwater supplies or interfere substantially with groundwater recharge.
4.6-5 Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
4.6-6 Cumulative impacts related to hydrology and water quality within the City of Lincoln.
4.6-7 Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
4.6-8 Convert Prime Farmland, Farmland of Statewide Importance, or Unique Farmland (Farmlands), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use or involve other changes in the existing environment which, due to their location or nature, could result in loss of Farmland to non-agricultural use.
4.6-9 Conflict with existing zoning for agricultural uses, or a Williamson Act contract.
4.6-10 Conflict with adjacent land uses.
4.6-11 Cumulative land use and planning incompatibilities.
4.6-12 Cumulative loss of Important Farmland.
4.6-13 Cause a substantial parameter increase in ambient noise levels in the project vicinity above existing levels without the project.
4.6-14 Expose persons to, or generate, excessive groundwater vibration or groundwater noise levels.
4.6-15 Cumulative off-site noise impacts.
4.6-16 Result in substantial adverse physical impacts associated with the provisions of new or physically altered fire protection services, and/or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services.
4.6-17 Result in substantial adverse physical impacts associated with the provisions of new or physically altered police protection facilities, and/or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services.
4.6-18 Result in substantial adverse physical impacts associated with the provisions of new or physically altered school facilities, and/or the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for school facilities.
4.6-19 Result in substantial adverse physical impacts associated with the provisions of new or physically altered park facilities, and/or the need for new or physically altered park facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for park and/or other public facilities.
4.6-20 Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.
4.6-21 Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board or result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.
4.9-7 Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs or fail to comply with federal, state, and local statutes and regulations related to solid waste.

4.9-8 Would the project have sufficient gas and electricity facilities.

4.9-9 Increase in demand for additional public services and utilities as a result of the proposed project and other projects in the City of Lincoln area.

4.10-2 Impacts to study roadway segments.

4.10-3 Impacts to study freeway facilities.

4.10-4 Impacts to transit facilities.

4.10-5 Impacts to bicycle and pedestrian facilities.

4.10-6 Impacts to emergency vehicle access.

4.10-8 Impacts related to increased traffic hazards.

4.10-11 Cumulative impacts to freeway facilities.

4.10-12 Cumulative impacts to transit facilities.

4.10-13 Cumulative impacts to bicycle and pedestrian facilities.

4.10-14 Cumulative impacts to emergency vehicle access.

4.10-15 Cumulative construction impacts.

B. POTENTIALLY SIGNIFICANT IMPACTS REDUCED TO LESS-THAN-SIGNIFICANT THROUGH MITIGATION MEASURES

6.1 AESTHETICS AND VISUAL RESOURCES

SIGNIFICANT EFFECT: CREATION OF NEW SOURCES OF SUBSTANTIAL LIGHT OR GLARE THAT WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA (IMPACT 4.1-3)

Finding

The proposed project includes development of 144 residential units on an undeveloped site. The proposed residential buildings could substantially increase the amount of light on the project site, which could be visible from areas adjacent to the project site. The primary adverse effect of all outdoor light on residential areas comes from bright exterior light which can result in glare or lighting interference with windows. Because the types of lighting and the specific locations have not yet been determined, the proposed project could increase the amount of light and glare generated on-site, which could be visible from nearby sensitive visual receptors. Therefore, the proposed project could create new sources of substantial light or glare that could adversely affect day or nighttime views in the area, and a significant impact would occur. (Draft EIR, pp. 4.1-20 and 4.2-21)

Facts in Support of Finding

The following mitigation measure would reduce to a less-than-significant level the project's impact related to creation of new sources of substantial light or glare that would adversely affect day or nighttime views in the area.

4.1-3 Prior to the issuance of building permits for any development on the project site, the project applicant shall submit a lighting plan for the project to the City of Lincoln Community Planning Department for review and approval, demonstrating that proposed lighting is dark-sky compliant, as specified by the International Dark-Sky Association. The lighting plan shall specify design measures to ensure shielding of onsite lighting fixtures to direct the light downward (i.e., lighting will not emit higher than a horizontal level) and prevent light spill onto adjacent properties.

Finding after Mitigation

Implementation of the above mitigation measure would reduce impact 4.1-3 (Creation of new sources of substantial light or glare that would adversely affect day or nighttime views in the area) to a less-than-significant level because the measure includes implementation of a lighting plan which would limit light spillage onto adjacent properties and provide for proper shielding of light fixtures.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[b][1]).

6.2 AIR QUALITY

SIGNIFICANT EFFECT: VIOLATE ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION DURING OPERATIONS, AND CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN. (IMPACT 4.2-2)

Finding

Operational emissions of reactive organic gases (ROG), oxides of nitrogen (NOx), and particulate matter (PM10) would be generated by the project from both mobile and stationary sources. Day-to-day activities such as vehicle traffic and associated emissions would also occur from area sources such as agricultural activities, wood burning in fireplaces, landscaping and maintenance equipment exhaust, and consumer products (e.g., soaps, detergents, hair spray, cleaning products, paint, insecticides, floor finishes, polished, etc.).

The project's operational emissions of NOX and PM10 would be below the applicable Air Quality Management District (AQMD) emission standards. However, emissions of NOX would exceed the applicable PCAPC threshold of significance, and, thus, could be considered to contribute substantially to the region's nonattainment status of ozone. Therefore, the project could violate an ambient air quality standard (AAQS), contribute substantially to an existing or projected air quality violation, or conflict with and/or obstruct implementation of the PCAPC's air quality planning efforts, and impacts related to long-term operational emissions of criteria air pollutants, particularly ozone, associated with development of the proposed project would be significant. (Draft EIR, pp. 4.2-31 to 4.2-32)

Facts in Support of Finding

The following mitigation measure would reduce to a less-than-significant level the project's impact related to violating any air quality standard or contributing substantially to an existing or projected air quality violation during operations, and/or conflicting with or obstructing implementation of the applicable air quality plan.

4.2-2 Wood-burning fireplaces, woodstoves, or similar wood-burning devices shall be prohibited throughout the proposed project plans area. Stoves may be fitted with the applicable regulation-compliant natural gas burning appliances if desired. The prohibition shall be included on any project plans submitted to the City Community Development Department.
Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.2-2 (Violation of any air quality standard or contribute substantially to an existing or projected air quality violation during operations, and conflict with or obstruct implementation of the applicable air quality plan) to a less-than-significant level because wood-burning fireplaces, woodstoves, or similar wood-burning devices would be prohibited throughout the proposed project plan area, thereby resulting in substantially reduced emissions of ROG.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081(a)(1)).

6.3 Biological Resources

Significant Effect: Impacts to Special-Status Plant Species (Impact 4.3-1)

Finding

Six species have the potential to occur on the project site: Boggs lake hedgehogspur, dwarf downspur, Abert's dwarf tufa rail, big-scale balanomet, prairie fairywren, and larkspur. Because the aforementioned species associated with vernal pools, and numerous vernal pools exist on-site, the proposed project site is considered to be suitable habitat for all six species. However, a pedestrian survey completed in April of 2016 concluded that special-status plants were not present on the project site or in areas adjacent to the project site.

The USFWS considers protocol-level plant surveys to be valid for three years. If construction of the proposed project does not occur within three years of the most recent plant survey, construction activity could impact special-status plant species that have colonized the project site. Therefore, the proposed project could result in a significant impact related to the disturbance of special-status plant species. (Draft EIR, pp. 4.3-33 to 4.3-34)

Facts in Support of Finding

The following mitigation measures would reduce to a less-than-significant level the project's impact to special-status plant species.

4.3-1(c)

Protocol-level special-status plant surveys were conducted at the project site on April 30, 2016 and no special-status plant species were identified. Survey results are valid for three years. If construction does not commence before April 2019, then new focused plant surveys shall be performed according to CDFW and CNPS protocols. If special-status plant species are not found during focused surveys, then further mitigation is not necessary.

If special-status plant species are found during future surveys, those individuals or populations should be avoided to the maximum degree possible. If avoidance is not feasible, a mitigation plan shall be developed in consultation with CDFW personnel if it is a state listed (i.e., protected pursuant to the ESA) or a California Native Plant Society (CNPS) Rank 1B or Rank 2 plant.

If the plant is state listed, an "incidental take" permit (i.e., a 2081 Agreement) shall be acquired for the project from CDFW prior to any grading within the project area. A copy of this permit shall be provided to the appropriate department within the City prior to any grading within the project area. Any conditions for the project established by CDFW in the 2081 Agreement shall become conditions of the project site enforceable by the City.

If a plant is found on the project site that is in a CNPS Rank 1B or 2 species, and the species is not otherwise protected pursuant to state or federal regulations, prior to construction within the project area, a qualified botanist shall collect the seeds, propagules, and top soils, or other part of the plant that would ensure successful replanting of the population elsewhere. The seeds, propagules, or other plantable portion of all plants shall be collected at the appropriate time of the year. Half of the seeds and top soils collected shall be appropriately stored in long-term storage at a botanical garden
or museum (for example, Rancho Santa Ana Botanic Gardens). The other half of the
seeds, propagules, or other plantable portion of all plants shall be planted at
the appropriate time of year (late-fall monthly) in an area of the subject property or off-site,
protected property that will not be impacted by the project. If the project has a
designated off-site mitigation site for impacts on other special-status species, the plants
can be seeded on the mitigation site. This area shall be fenced with permanent fencing
(for example, chain link fencing or post and cable fencing) to ensure protection of the
species. The applicant shall hire a qualified biologist to conduct annual monitoring
surveys of the transplanted plant population for a five-year period and shall prepare
annual monitoring reports reporting the success or failure of the transplanting efforts.
These reports shall be submitted to the City no later than December 31st each monitoring
year.

These steps shall be implemented prior to site disturbance. If the seedling/transplanting
effort fails, the stored seeds and top soils can be taken out of long-term storage and sent
in another location (either on-site or offsite) deemed suitable by the City and CDFW. This
seedling effort shall then be monitored for an additional three-year period to ensure
survivability of the new population. Annual monitoring reports shall be submitted to the
City for the three-year period.

A CNDDB form shall be filled out and submitted to CDFW for any special-status plant
species identified within the project site. Any mitigation plan developed in consultation
with CDFW shall be implemented prior to the initiation of grading or the development of a
permit.

In lieu of the above prescribed mitigation, as allowed to be written by the City (for CRPA
protected species only) and/or CDFW (for CRPA and/or state listed species), mitigation
requirements may be satisfied via the purchase of qualified mitigation credits or the
preservation of offsite habitat.

4.3-1(b)

In the event the Placer County Conservation Plan is adopted prior to submission of
improvement plans for this project or prior to the project’s own federal permits being
obtained, then the above mitigation measure may be replaced with standard mitigation
fees and conservation protocol to address this resource impact as set forth in the PCCP
implementation document. If PCCP enrollment is chosen as mitigation for one or more
biological resources area impacts, then the PCCP mitigation shall apply only to those
species that are covered by the PCCP.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.3-1 (impacts to special-status plant
species) to a less-than-significant level by ensuring that if construction commences after 2015, the project site
would be re-surveyed and, if special-status plant species are detected, proper mitigation would be implemented to
protect any special-status plants that have colonized the project site.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or
avoid the significant effects on the environment (Public Resources Code Section 21081[c][1]).

Significant Effect: Have a substantial adverse effect on riparian habitat or other
sensitive natural community, or federally protected wetlands as
defined by Section 404 of the CWA (including, but not limited to,
marsh, vernal pool, coastal, etc.) through direct fill, flooding, hydrological interruption, or other means (Impact 4.3-2)

Finding

The proposed project would have the potential to directly impact 30,772 sf (0.697-acre) of existing on-site seasonal
wetlands, ditches, vernal pool, and canal. Additionally, indirect impacts to 34,948 sf (0.560-acre) of
existing on-site seasonal wetlands and vernal pools could occur with implementation of the proposed project.
Indirect impacts are related to vernal pool fair shrimp habitat, and include any development that would not
physically impact wetlands, but that would occur within 250 feet of a wetland. A total of 5,586 sf (0.135-acre) of
existing vernal pool and canal area would be avoided.

The proposed project would be required to obtain proper permitting from the U.S. Army Corps of Engineers
(USACE) under Section 404 permitting. Applicants acquiring a Section 404 permit must also obtain a permit
from the Regional Water Quality Control Board (RWQCB) under Section 401 of the Clean Water Act (CWA). The
proposed project is located within the Jurisdiction of the Central Valley Regional Water Quality Control
Board (CVRWQCB), and thus the Section 401 permit must be obtained from the CVRWQCB. Should construction
commence, and wetted areas be impacted without prior permitting from the USACE and
RWQCB and/or preparation of a wetland mitigation program, the proposed project would result in a
significant impact related to adverse effects on sensitive natural communities or federally protected wetlands
through the construction-related fill of on-site wetlands. (Draft EIR, pp. 4.3-35 to 4.3-37)

Facts in Support of Finding

The following mitigation measures would reduce to a less-than-significant level the project's impact related to
having a substantial adverse effect on riparian habitat or other sensitive natural community, or federally protected
wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.)
through direct fill, flooding, hydrological interruption, or other means.

4.3-2(a) To the extent feasible, the project shall be designed to avoid and minimize adverse effects
to wetlands and other waters of the United States within the project area. If impacts to wetlands will occur or as a result
of implementation of the proposed project, then prior to issuance of any grading permits, the project applicant shall acquire
a Section 404 permit for fill of jurisdictional wetlands, and mitigation for impacts to jurisdictional waters that
cannot be avoided shall be provided in conformance with the USACE "no-net-loss" policy.

4.3-2(b) If a Section 404 permit is obtained, the applicant must also obtain a water quality
certification from the RWQCB under Section 401 of the Clean Water Act (CWA) prior to
issuance of any grading permits.

4.3-2(c) In the event the Placer County Conservation Plan is adopted prior to submission of
improvement plans for this project or prior to the project's own federal permits being
obtained, then the above mitigation measure may be replaced with standard mitigation
fees and conservation protocol to address this resource impact as set forth in the PCCP
implementation document. If PCCP enrollment is chosen as mitigation for one or more
biological resources area impacts, then the PCCP mitigation shall apply only to those
resources that are covered by the PCCP.
Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.3-3 (Have a substantial adverse effect on riparian habitat or other sensitive natural community, or federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means)) to a less-than-significant level by avoiding adverse effects to wetlands and other waters of the U.S. to the maximum extent practicable, and otherwise requiring that the proper permitting be obtained, and purchase of preservation/creation credits in compliance with USACE guidance.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[5]).

SIGNIFICANT EFFECT: IMPACTS TO SPECIAL-STATUS INVERTEBRATE SPECIES (IMPACT 4.3-3)

Finding

Helm Biological Consulting conducted wet seine sampling of the wetland and vernal pool features on the project site to determine the presence or absence of federally-listed large branchipods on the project site. One on-site basin was found to contain the federally-threatened vernal pool fairy shrimp. The vernal pool supporting the vernal pool fairy shrimp would be directly impacted through fill and ground disturbance related to the proposed project. Given that construction of the proposed project would result in the incidental take of the federally listed vernal pool fairy shrimp, the project applicant was required to initiate consultation and obtain a permit under Section 7 of the FESA. As such, the proposed project would result in a significant impact to special-status invertebrate species. (Draft EIR pp. 4.3-39 to 4.3-40)

Facts in Support of Finding

The following mitigation measures would reduce to a less-than-significant level the project's impacts to special-status invertebrate species.

4.3-3(a) Implement Mitigation Measure 4.3-2(a).

4.3-3(b) Orange exclamation fencing shall be placed, and a buffer area of 250 feet (or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS) maintained, around any avoided (preserved) vernal pool arroyo/ stream habitat during construction to prevent impacts from construction vehicles and equipment. This fencing shall be inspected by a qualified biologist throughout the construction period to ensure that it is in good functional condition.

Prior to beginning work on the project site, all on-site construction personnel shall receive instruction regarding the presence of listed species and the importance of avoiding impacts to these species and their habitat.

4.3-3(c) In the event the Placer County Conservation Plan is adopted prior to submission of improvement plans for this project or prior to the project's own federal permits being obtained, then the above mitigation measures may be replaced with standard mitigation fees and conservation protocol to address this resource impact as set forth in the FCP implementation document. If FCP enrollment is chosen as mitigation for one or more biological resource area impacts, then the FCP mitigation shall apply only to those species that are covered by the FCP.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.3-3 (Impacts to special-status invertebrate species) to a less-than-significant level by requiring the purchase of wetland habitat preservation/creation credits, and requiring excautive fillings to protect on-site habitat during construction.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[5]).

SIGNIFICANT EFFECT: IMPACTS TO SPECIAL-STATUS REPTILE AND AMPHIBIAN SPECIES (IMPACT 4.3-4)

Finding

The proposed project would involve ground-disturbing activities, and undergrounding of portions of the on-site Nevada Irrigation District (NID) canal during construction. If western spadefoot toads or giant garter snakes are present at the project site during ground-disturbing or canal undergrounding activity, construction of the proposed project could impact western spadefoot toads and/or giant garter snakes. As such, the proposed project could result in a significant impact to western spadefoot toad and giant garter snakes. (Draft EIR pp. 4.3-40 to 4.3-41)

Facts in Support of Finding

The following mitigation measures would reduce to a less-than-significant level the project's impacts to special-status reptile and amphibian species.

Western Spadefoot Toad

4.3-4(a) The following best management practices shall be implemented prior to and during construction as specified below:

- For work conducted during the western spadefoot toad migration and breeding season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in advance following measurable precipitation events. Construction may commence once the biologist has confirmed that no spadefoot toads are in the work area.

- When feasible, a 50-foot no-disturbance buffer shall be established around burrows that provide suitable upland habitat for western spadefoot toad. Burrows considered suitable for spadefoot shall be identified by a qualified biologist. The biologist shall delineate and mark the no-disturbance buffer.

- If western spadefoot toad is found within the construction footprint, it will be allowed to move out of harm's way of its own volition or a qualified biologist will relocate the organim to the nearest burrow that is outside the construction impact area.

- A qualified biologist will inspect surrounding equipment and stored pipes greater than 1.2 inches (3 cm) in diameter for western spadefoot toad. Inspections shall occur bi-weekly from January 1 to April 30, and only for one to two days following a rain event during the remainder of the year (May 1 to December 31). When water temperatures in the toad's potential breeding pools is between the requisite 9 degrees Celsius (40 degrees Fahrenheit) and 10 degrees Celsius (50 degrees Fahrenheit) and 10 degrees Celsius (50 degrees Fahrenheit)
degrees Fahrenheit. If any toads are found they shall be allowed to move out of the construction area under their own accord.

- Trenches and holes shall be covered and inspected daily for stranded animals. Trenches and holes deeper than one foot deep shall contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape unscathed. Holes and trenches shall be inspected prior to filling.
- All survey findings made by the biologist shall be compiled into survey reports for review by the City of Lincoln's Community Development Department.

4.3-4(g) Implement Mitigation Measure 4.3-3(f)

4.3-4(g) In the event the Placer County Conservation Plan is adopted prior to submittal of improvement plans for this project or prior to the project's own federal permits being obtained, then the above mitigation measures may be replaced with standard mitigation fees and conservation protocol to address this resource impact as set forth in the PCCP implementation document. If PCCP enrollment is chosen as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species that are covered by the PCCP.

Giant Garter Snakes

4.3-4(g) Construction shall be restricted to occur between May 1 and October 1 to ensure that any snakes in the vicinity are restricted to the immediate environs of the adjacent perennial waterway. If construction occurs between October 2 and April 30, a qualified biologist shall stake or otherwise mark a "no disturbance" zone which shall include a 200-foot buffer around any perennial waterway on-site. If construction occurs between May 1 and October 1, a qualified biologist shall stake or otherwise mark a "no disturbance" zone that shall include a 10- to 15-foot buffer around any perennial waterways on-site.

4.3-4(g) Construction personnel shall receive USFWS approved worker environmental awareness training. This training shall instruct workers to recognize giant garter snakes and their habitat. Proof of completion of the environmental awareness training for construction personnel shall be provided to the City of Lincoln's Community Development Department, prior to commencement of construction activity.

4.3-4(g) A qualified biologist shall survey the project site for giant garter snakes 24 hours prior to construction activities. Survey of the project area shall be repeated if a snake is encountered during construction activities. After completion of construction activities, any temporary fill and construction debris shall be removed and, wherever feasible, disturbed areas shall be restored to pre-construction conditions.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.3-4 (Effects to special-status reptile and amphibian species) to a less-than-significant level by requiring construction activity to follow best management practices that would protect western spadefoots and giant garter snakes from harm during construction.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081(d)(1)).

SIGNIFICANT EFFECT: IMPACTS TO SWAINSON'S HAWK, WHITE-TAILED KITE, AND BURROWING OWL (IMPACT 4.3-5)

Finding

The project site may provide habitat for three special-status raptor species: Swainson's hawk, white-tailed kite, and western burrowing owl. The existing valley oak tree on the project site is considered suitable habitat for tree nesting raptors, including Swainson's hawk and white-tailed kite. The on-site annual grassland habitat could potentially provide suitable habitat for burrowing owl.

Because the project site could be used for nesting by various raptor species, ground disturbance activities associated with project construction could potentially impact nesting birds if such activity occurs during the nesting season. Furthermore, noise and other human activity may result in nest abandonment if nesting raptors are present within close proximity of a work site. The disturbance or loss of an active nest or special-status raptor species would be considered a significant impact. (Draft EIR pp. 4.3-43 to 4.3-44)

Facts in Support of Finding

The following mitigation measures would reduce to a less-than-significant level the project's impacts to Swainson's hawk, white-tailed kite, and burrowing owl.

Swainson's hawk and other raptors (e.g., white-tailed kite)

4.3-5(c) If project activity would commence between March 1st and September 15th, a qualified biologist should be retained to conduct a pre-construction survey for active nests in suitable habitat on and within the 0.25-mile radius surrounding the project site. If this survey does not identify any nesting raptors within the project area that would be disturbed, and for Swainson's hawks only, within the 0.25-mile radius surrounding the project site, no further mitigation would be required.

4.3-5(b) If an occupied nest is present, CDFW guidelines recommend implementation of a 0.25-mile buffer for Swainson's hawk (CDFW 1994) and 300 feet for other tree-nesting...
4.3-5(a) If borrowing owls are found during the breeding season (February 1-August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season, or while the nest is occupied by adults or young.

Avoidances shall include establishment of a 100-foot non-disturbance buffer zone. Construction activity may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged.

4.3-5(b) If destruction of the occupied burrow is unavoidable during the non-breeding season (September 1-January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 100-foot non-disturbance buffer zone. If occupied burrows for borrowing owls are not avoided, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 100-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to examination. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows shall be excavated using hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnel during excavation to maintain escape routes for owls inside the burrow. No permit is required to conduct passive relocation; however, this process shall be conducted by a qualified biologist and in accordance with CDFW guidelines. In addition, to offset the loss of foraging and burrow habitat on the project site, a minimum of 0.5 acres of foraging habitat (calculated on a 100-ft foraging radius around the burrow) per pair or unpaired resident bird shall be acquired and permanently protected at a location acceptable to the CDFW.

If borrowing owls are identified on the project site, the City of Lincoln must receive a copy of the Mitigation Agreement by and between the applicant and CDFW, prior to the issuance of grading permits for the proposed project.

4.3-5(c) In the event the Placer County Conservation Plan is adopted prior to submittal of improvement plans for this project or prior to the project's own federal permits being obtained, then the above mitigation measure may be replaced with standard mitigation fees and conservation protocol to address this resource impact as set forth in the PCCP implementation document. If PCCP enrollment is chosen as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species that are covered by the PCCP.

Burrowing Owls

4.3-5(d) A preconstruction survey shall be conducted by a qualified biologist or ornithologist during both the wintering and nesting season, unless the species is protected on the first survey. If possible, the winter survey shall be conducted between December 1 and January 31 (when wintering owls are most likely to be present) and the nesting season survey shall be conducted between April 15 and July 15 (the peak of breeding season). Surveys conducted from two hours before sunset to one hour after, or from one hour after to two hours after sunrise, are preferred. The survey techniques shall be consistent with the Staff Report survey protocol and include a 200-foot-wide buffer zone surrounding the Study Area. Repeat surveys should also be conducted not more than 30 days prior to initial ground disturbance to inspect for re-occupation and the need for additional protection measures. The survey shall be paid for by the applicant and approved by the City of Lincoln Community Development Department. Survey results shall be valid only for the season during which the survey is conducted. The survey results shall be submitted to CDFW and the City of Lincoln Community Development Department.

If borrowing owls are not detected during preconstruction surveys, then further mitigation is not required.

Finding after Mitigation

Implementation of the above mitigation measures would reduce impact 4.3-5(c) (Impacts to Swainson's hawk, white-tailed kite, and burrowing owl) to a less-than-significant level by requiring preconstruction surveys and protection measures for identified protected species.

The City finds that changes or alterations have been required, or incorporated into the project which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[d][1]).
Significant Effect: Impacts to Other Special-Status Bird Species and Migratory Birds (Impact 4.3-8)

Finding

Vegetation clearing and other construction activities for the project could result in the loss of individuals or nests, or disruptions to nesting attempts, of song sparrows and other special-status bird species, if they nest in the project site or vicinity in the future prior to construction. The potential disturbance or loss of song sparrows and other migratory bird nests would be significant. (Draft EIR pp. 4.3-37 to 4.3-48)

Facts in Support of Finding

The following mitigation measures would reduce to a less-than-significant level the project's impacts to other special-status bird species and migratory birds.

4.3-8(a) The project applicant shall implement the following measures to avoid or minimize impacts to protected migratory bird species including song sparrows:

- If any site disturbance or construction activity for any phase of development begins outside the February 1 to August 31 breeding season, preconstruction surveys for active nests shall not be required.
- If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active tree nests and ground nests from publicly accessible areas within 14 days prior to site disturbance for any phase of development. The survey area shall cover the construction site and a 100-foot radius surrounding the construction site. The preconstruction survey shall be submitted to the City of Lincoln Community Development Department for review. If no nesting migratory birds are found, then further mitigation measures are not necessary.
- If an active nest of a Migratory Bird, or other CDFW-protected bird is discovered that may be adversely affected by any site disturbance, or an injured or killed bird is found, the project applicant shall immediately:
  - Stop all work within a 100-foot radius of the discovery.
  - Notify the City of Lincoln Community Development Department.
  - Do not resume work within the 100-foot radius until authorized by the biologist.

4.3-8(b) In the event the Placer County Conservation Plan is adopted prior to submittal of improvement plans for this project or prior to the project's own federal permits being obtained, then the above mitigation measures may be replaced with standard mitigation sites and conservation protocol to address this resource impact as set forth in the FCPP, implementation document. If FCPP enrollment is chosen as mitigation for one or more biological resource area impacts, then the FCPP mitigation shall apply only to those species that are covered by the FCPP.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 4.3-8 (Impacts to other special-status bird species and migratory birds) to a less-than-significant level by requiring preconstruction surveys, and the application of nest protection measures when appropriate.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081(a)(2)).

Significant Effect: Conflict with Any Local Policies or Ordinances Protecting Biological Resources, Such as a Tree Preservation Policy or Ordinance (Impact 4.3-8)

Finding

The proposed project site contains a single native oak tree. The current site plans, included in Chapter 3, Project Description, of the EIR, indicate that the oak tree would be retained during development of the site. Therefore, the project applicant would not be required to obtain tree removal permits from the City. However, the area around the tree would be disturbed during excavation, which could compromise the health of the tree. If construction activity including but not limited to grading, trenching, laying of fill, and drainage alterations was conducted in proximity to the tree, such activity would have the potential to damage the tree in violation of the City's Oak Tree Preservation Guidelines. Because construction-activity related to the proposed project would have the potential to damage the tree, the proposed project could result in a significant impact. (Draft EIR pp. 4.3-49 to 4.3-50)

Facts in Support of Finding

The following mitigation measure would reduce to a less-than-significant level the project's impact related to conflicting with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

4.3-8 Prior to Improvement Plan approval, the plans shall include the following applicable measures included in the Arborist Report and Native Oak Tree Inventory, prepared for the proposed project:

- The applicant shall install a four-foot tall, brightly colored (yellow or orange), synthetic mesh material fence around the one existing oak tree to be preserved. The fencing shall delineate an area that is at least the radius of which is equal to the largest radius of the protected tree's drip line plus one foot. The fence shall be installed prior to any site preparation or construction equipment being moved on-site or at any site preparation or construction activities taking place. Development of this site, including grading, shall not be allowed until this condition is satisfied. Any encroachment within the dripline of the one existing oak tree to be saved, must first be approved by a designated representative of the City's Community Development Department. Grading, clearing, or storage of equipment or machinery may not occur until a representative of the City's Community Development Department has inspected and approved all temporary construction fencing. Trees shall be preserved where feasible. This may include the use of retaining walls, planter islands, or other techniques commonly associated with tree preservation. The Improvement Plans shall indicate the location of the fencing and include a note describing the fencing requirements consistent with this mitigation measure.
The project contractor shall implement the following guidelines before and during grading and construction for protection of the oak tree to be preserved:

- Plant and specifications shall clearly state protection procedures for the one existing oak tree on the project site. The specifications shall include a provision for remedies if the oak tree is damaged;
- Vehicles, construction equipment, mobile offices, or materials shall not be parked, stored, or operated within the drip line of the oak tree to be preserved;
- Cuts and fills around the tree shall be avoided where feasible;
- Soil surface removal greater than one foot shall not occur within the drip line of the oak tree to be preserved. Cuts shall not occur within five feet of the trunk;
- Eroded fill greater than one foot deep shall not be placed within the drip line of the oak tree to be preserved, and shall not be placed within five feet of the trunk;
- Underground utility line trenching shall not be placed within the drip line of the oak tree to be preserved where feasible without first obtaining approval from a designated representative of the Community Development Department. If it is necessary to install underground utilities within the drip line of oak trees, boring or drilling rather than trenching shall be used, or such activity shall be performed with hand tools to avoid root injury;
- Paving shall not be placed in the vicinity of the oak tree to be preserved (at a minimum, within the drip line of the oak tree) without first obtaining approval from a designated representative of the Community Development Department; and
- Irrigation lines or sprinklers shall not be allowed within the drip line of the oak tree to be preserved.

Finding after Mitigation

Implementation of the above mitigation measure would reduce impact 4.3-8 (Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance) to a less-than-significant level by ensuring that the recommendations made by Sierra Nevada Arboreta regarding the protection of the oak trees are followed during construction activity related to the proposed project.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[MHI]).

6.4 CULTURAL RESOURCES

SIGNIFICANT EFFECT: CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE AS DEFINED IN CEQA GUIDELINES, SECTION 15064.5 (IMPACT 4.4-1)

Finding

Four potential historic resources were investigated on the project site: the Lincoln Canal, the remains of an earthen dam, Virginia Town Road, and Hungry Hollow Road. Based on the National Register of Historic Places (NRHP) and CEQA criteria, the Lincoln Canal, earthen dam, Hungry Hollow Road, and Virginia Town Hungry Hollow roads are not eligible for inclusion on the NRHP or the California Register of Historic Resources (CRHR). and are not considered significant per CEQA. Although none of the aforementioned features are considered an historical resource and additional historical resources were not discovered during the field surveys, the potential exists for previously unknown, subsurface historical resources to be discovered on the project site during construction activities involving ground disturbance. As such, the proposed project could result in the disturbance or destruction of historical resources, and thus could result in a significant impact. (Draft EIR, pp. 4.4-15 to 4.4-18)

Facts in Support of Finding

The following mitigation measure would reduce to a less-than-significant level the project's impact related to causing a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5:

4.4-1 During construction activities, if any subsurface historic remains are uncovered, all work shall be halted, the City of Lincoln Community Development Department shall be notified, and the applicant shall retain a qualified cultural resources consultant to identify and investigate any subsurface historic remains, and define their physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recording, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and verted artifact assemblage), further mitigation would be necessary, which might include avoidance of further disturbance to the resources through project redesign. If avoidance is determined to be infeasible, additional data recovery shall be conducted for the resources, to collect enough information to evaluate the data potential of those resources. Data recovery efforts can range from photographic documentation to extensive excavation depending upon the physical nature of the resources. The degree of effort shall be determined at the discretion of a qualified cultural resource consultant and should be sufficient to recover data considered important to the area's history.

Finding after Mitigation

Implementation of the above mitigation measure would reduce impact 4.4-1 (Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5) to a less-than-significant level by providing a procedural framework that would ensure the preservation of such resources if inadvertently discovered on-site.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[MHI]).
**Significant Effect:** Cause a substantial adverse change in the significance of a unique archeological resource as defined in CEQA Guidelines, Section 15064.5, or disturb any human remains, including those interred outside of formal cemeteries (Impact 4.4-2)

**Finding**

While archeological resources and/or human remains have not been identified on the project site, the possibility exists that previously unknown resources, human remains, or burials could be discovered on the project site during construction activities. Therefore, construction activities associated with the building of the proposed project could uncover undocumented archeological resources, human remains, or burials and effect the unique ethnic cultural values of the site. Should areas containing evidence of archeological resources, human remains, or burials be encountered, construction activity could result in a significant impact to archeological resources. (Draft EIR pp. 4.4-19 to 4.4-20)

**Facts in Support of Finding**

The following mitigation measures would reduce to a less-than-significant level the project’s impact related to causing a substantial adverse change in the significance of a unique archeological resource as defined in CEQA Guidelines, Section 15064.5, or disturb any human remains, including those interred outside of formal cemeteries.

4.4-2(a) If any prehistoric artifacts or other indications of archeological and/or cultural resources are found during grading and construction activities, all work within 100 feet of the find shall cease and the applicant shall retain a qualified archaeologist to evaluate the find(s) and notify the United Auburn Indian Community of the Auburn Rancheria. If the resource is determined to be eligible for inclusion in the California Register of Historical Resources and project impacts cannot be avoided, data recovery shall be undertaken. Pursuant to CEQA Guidelines Section 15116.4(b)(3)(B), a data recovery plan, which includes provisions for adequately preserving and retaining all scientifically relevant information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be conducted with the California Historical Resources Regional Information Center. Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR §4852(j)), and the definition of tribal cultural resources set forth in Public Resources Code Section 21074. The evaluation of the tribal cultural resource(s) shall include scientifically appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property as the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the United Auburn Indian Community of the Auburn Rancheria.

The landowner shall relinquish ownership of all saved items, buried goods, and all archeological artifacts that are found on the project site to the United Auburn Indian Community of the Auburn Rancheria for proper treatment and disposition.

If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation. This language of mitigation measures shall be included on any future grading plans and utility plans approved by the City of Lincoln for the project site.

---

4.4-2(b) If human remains of Native American origin are discovered during project construction, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Placer County Coroner has made the necessary findings as to origin. (California Health and Safety Code Section 70953.2) Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Placer County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) and the United Auburn Indian Community of the Auburn Rancheria must be contacted within 24 hours. The NAHC and United Auburn Indian Community of the Auburn Rancheria must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD. The MLD will make recommendations concerning the treatment of the remains within 48 hours, as provided in Public Resources Code 5097.98.

**Finding after Mitigation**

Implementation of the above mitigation measures would reduce Impact 4.4-2 (Cause a substantial adverse change in the significance of a unique archeological resource as defined in CEQA Guidelines, Section 15064.5, or disturb any human remains, including those interred outside of formal cemeteries) to a less-than-significant level by ensuring that in the event that prehistoric artifacts are discovered, work within the vicinity of such artifacts would be halted and appropriate measures would be taken to minimize impacts to the artifacts. Similarly, if human remains are discovered, such remains would be left in place and free from disturbance until a final decision as to the treatment and disposition of the remains has been made.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081(a)(1)).

**Significant Effect:** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Impact 4.4-3)

**Finding**

The proposed project site is underlain by alluvial, or stream, deposits from the Pleistocene or Pliocene. Alluvial deposits are composed of gravels, sands, and silts that were deposited in a stream, delta, or estuary type riverine system. Such deposits are typically not associated with unique geologic features or formations. Within the City of Lincoln, paleontological resources have not been discovered within the Riverbank Formation that underlies the project site and other portions of the City. However, all Pleistocene non-marine deposits, such as the alluvial or stream derived deposits underlying the project site, have the potential of yielding significant paleontological resources. Although Pleistocene and Pliocene deposits within Placer County as a whole have not yielded many paleontological resources, similar deposits in other counties have yielded significant fossils. As such, although unlikely, construction activities involving ground disturbance could uncover undocumented paleontological resources. Should areas containing evidence of paleontological resources, such as fossils, be uncovered, continued construction activity could result in a significant impact. (Draft EIR pp. 4.4-21 to 4.4-22)

**Facts in Support of Finding**

The following mitigation measure would reduce to a less-than-significant level the project’s impact related to direct or indirect destruction of a unique paleontological resource or site or unique geologic feature.

4.4-3 During construction activities, if any vertebrate bones or teeth are found, all work shall be halted in the immediate vicinity of the discovery, and the applicant shall notify the City of Lincoln Community Development Department and retain a qualified paleontologist to respect the discovery. If deemed significant with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., University of California Museum of Paleontology), where the discovery would be properly curated and preserved for the benefit of current and future generations. Following the discovery of such paleontological resources and prior to the recommencement of construction activity in the area of discovery, the City of Lincoln's Community Development Department shall further consult with the qualified paleontologist for the consideration and potential implementation of a construction monitoring program for the remainder of the construction activity. The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement drawings approved by the City of Lincoln Community Development Department for the proposed project site, where excavation work would be required.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.4-3 (Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature) to a less-than-significant level by ensuring that if any vertebrate bones or teeth are uncovered during construction, such artifacts would be treated appropriately.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[1512]).

Significant Effect: DIRECTLY OR INDIRECTLY DISTURB OR DESTROY A UNIQUE TRIBAL CULTURAL RESOURCE, SUCH AS A SITE, FEATURE, PLACE, CULTURAL LANDSCAPE, SACRED PLACE, OR OBJECT WITH CULTURAL VALUE TO A CALIFORNIA NATIVE AMERICAN TRIBE (IMPACT 4.4-4).

Finding

The Cultural Resources Inventory prepared by PAR Environmental Services (PAR) for the proposed project site included a field survey and consultation with the Native American Heritage Commission (NAHC). During the field survey, PAR did not identify any tribal cultural resources. The NAHC did not identify any Sacred Lands on the proposed project site. In addition, attempts by the City to consult with local Native American tribes did not provide information regarding known tribal cultural resources on the project site.

Based on the above, the project is unlikely to disturb or destroy any unique tribal-cultural resource. However, the possibility remains that an unknown tribal cultural resource could exist on the project site. If such an unknown tribal resource does exist on the project site, construction activities involving ground-disturbance would have the potential to disturb or destroy the resource, and thus the proposed project would result in a significant impact. (Grant B1A, pp. 4.4-22 to 4.4-23)

Facts in Support of Finding

The following mitigation measure would reduce the less-than-significant level the project's impact related to direct or indirect disturbance or destruction of a unique tribal cultural resource, such as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe.
Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.4.4 (Directly or indirectly disturb or destroy a unique tribal cultural resource, such as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe) to a less-than-significant level by ensuring that any tribal cultural resources uncovered during construction activities would be preserved, and consultation would be initiated with the appropriate tribe.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081(a)(1)).

6.5 SOILS, GEOLOGY, AND SEISMOICITY

SIGNIFICANT EFFECT: BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN ON OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE; OR, BE LOCATED ON EXPANSE SOIL, AS DEFINED IN SECTION 1805.5.3 OF THE UNIFORM BUILDING CODE (IMPACT 4.5-3)

Finding

Based on information included in the Preliminary Geotechnical Engineering Investigation prepared for the proposed project site by CTE CAL, the proposed project site does not contain soils that would be susceptible to substantial liquefaction. However, CTE CAL determined that compressible materials such as surficial organic material, loose soils, undisturbed fills, debris, rubble, or rockfill could be present on the project site. Such materials would be considered to be compressible, and thus unstable as structural support. Areas where such compressible material exists would need to be overexcavated and replaced with engineered fill to comply with the recommendations within the Preliminary Geotechnical Engineering Investigation. Furthermore, CTE CAL determined that portions of the proposed project site could contain moderately expansive clay soils.

Based on the above, the proposed project would not be located on a soil or geologic unit which is currently or would become unstable as a result of the project and potentially result in on or off-site liquefaction or lateral spreading. However, CTE CAL noted that the potential for expansive soils or compressible materials to exist on the project site remains. If such conditions occur, the proposed project may place structures on unstable soil units, which could experience subsidence, or may be expansive. In recognition of the potential for unstable soil units to exist on site, CTE CAL included recommendations within the Preliminary Geotechnical Engineering Investigation, which would reduce any potential impacts related to compressible materials or soil and expansive soils. Without the implementation of recommendations from the Preliminary Geotechnical Engineering Investigation, the proposed project could involve the placement of structures on unstable soil units due to potentially expansive or compressible soils. As such, the proposed project could result in a significant impact.

(Fact EIR, pp. 4.5-9 to 4.5-10)

Facts in Support of Finding

The following mitigation measure would reduce to a less-than-significant level the project's impact related to being located on a geologic unit or soil that is unstable.

Prior to issuance of a grading permit, the grading plans shall incorporate all geotechnical recommendations specified in the Preliminary Geotechnical Engineering Investigation prepared by CTE CAL (2015) for the proposed project. All grading and foundation plans for the development must be reviewed and approved by the City Engineer and Chief Building Official prior to issuance of grading and building permits in order to ensure that recommendations in the Preliminary Geotechnical Engineering Investigation are properly incorporated and utilized in the project design.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.5-3 (Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or, be located on expansive soil, as defined in Section 1805.5.3 of the Uniform Building Code) to a less-than-significant level by requiring the incorporation of the geotechnical recommendations specified in the Preliminary Geotechnical Engineering Investigation prepared for the proposed project.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081(a)(1)).

6.6 HYDROLOGY AND WATER QUALITY

SIGNIFICANT EFFECT: VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS, PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF, OR OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY DURING CONSTRUCTION (IMPACT 4.6-2)

Finding

Development of the site would require construction activities that would result in a land disturbance greater than one acre, and, thus, the applicant would be required by the State to obtain a General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) to prevent construction. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest feasible extent, adverse impacts to water quality from erosion and sedimentation. Without the project's required compliance with the SWRCB standards, construction activities related to the proposed project could result in a significant impact related to the violation of water quality standards, discharge requirements, or the creation of a substantial additional source of polluted runoff.

(Fact EIR pp. 4.6-21 to 4.6-22)

Facts in Support of Finding

The following mitigation measure would reduce to a less-than-significant level the project's impact related to violation of water quality standards or waste discharge requirements, provision of substantial additional sources of polluted runoff, and/or substantial degradation of water quality during construction.

Prior to initiation of any ground disturbing activities, the project applicant shall prepare a SWPPP, and implement BMPs that comply with the General Construction Stormwater Permit from the Central Valley Regional Board to reduce water quality effects during construction. Such BMPs may include: temporary erosion control measures such as silt fences, stacked straw bales/wallets, silt/sediment basins and traps, check dams, geotextile silt curtains, and temporary revegetation. The SWPPP shall be kept on-site and updated as necessary.
Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.6-2 (Vigilant any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality during construction) to a less-than-significant level by requiring the preparation of a SWPPP and Implementation of specific BMPs to reduce water quality effects during construction.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[a][1]).

8.7 NOISE

SIGNIFICANT EFFECT: EXPOSE PERSONS OR GENERATE NOISE LEVELS IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES (IMPACT 4.6-1)

Finding

Noise levels associated with existing traffic volumes combined with project-generated traffic at the nearest proposed outdoor activity areas would not exceed the applicable City of Lincoln exterior noise level standard of 60 Decibels (dB) Day-Night Average (Ldn) Community Noise Equivalent Level (CNEL) along Highway 100 Road; however, such noise levels would exceed the standard along the segment of Virginia Street Road adjacent to the proposed residences. With respect to interior noise levels, maximum indoor noise levels anticipated on the project site would not exceed the 45 dB Ldn/CNEL indoor noise level standard set forth per Title 24.

Based on the above, the proposed project would have a significant impact with respect to exposing persons to noise levels in excess of (exterior noise) standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Draft EIR pp. 4.8-10 to 4.8-12)

Facts in Support of Finding

The following mitigation measure would reduce to a less-than-significant level the project’s impact regarding exposure of persons to generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies:

4.8-1 Consistent with the Environmental Noise and Vibration Assessment prepared by Bellard Acoustical Consultants, Inc. prior to approval of Improvement plans, the plans shall show a 12-foot-high noise barrier to be erected on Virginia Street Road, as shown in Figure 4.8-3 of the Lincoln Meadows EIR, prior to review and approval by the City Engineer. The barrier height shall be 7 feet 6 inches in the building and elevation for the proposed project.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.8-1 (Exposure persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies) to a less-than-significant level by reducing exterior noise levels at the residences proposed adjacent to Virginia Street Road to a state of compliance with City of Lincoln noise standards for new residential development.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[a][1]).

SIGNIFICANT EFFECT: CAUSE A SUBSTANTIAL TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE EXISTING LEVELS WITHOUT THE PROJECT (IMPACT 4.8-4)

Finding

During project construction, heavy equipment would be used for grading excavation, paving, and building construction, which would temporarily increase ambient noise levels when in use. Noise would also temporarily be generated during the construction phase by increased truck traffic on area roadways. The project-generated truck traffic associated with transport of heavy materials and equipment to and from the construction site could be considered a significant contribution increase in noise levels, given the relatively low ambient noise environment in the project vicinity and the proximity of the nearest existing residences to the west. Because the proposed project could cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing levels without the project during construction, impacts would be considered significant. (Draft EIR pp. 4.8-15 to 4.8-16)

Facts in Support of Finding

The following mitigation measures would reduce to a less-than-significant level the project’s impact regarding a substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing levels without the project:

4.8-4(a) The project contractor shall ensure that construction activities shall be limited to the hours allowed in the City’s Public Facilities Improvement Standards between 7:00 AM to 7:00 PM, Monday through Friday. If construction is necessary on Saturday, Sunday and Holidays, the applicant shall submit a written request to the Director of Public Works of the City Engineer, as applicable, 72 hours prior to the desired construction. If work is allowed outside aforesaid work hours, the applicant shall have a copy of the written approval available at the work site. The construction contractor shall be included in the grading plan submitted by the developer for review and approval by the City Engineer prior to grading permit issuance.

4.8-4(b) The project contractor shall ensure that all internal combustion engines associated with stationary and mobile construction equipment to be used on the project site shall have adequate mufflers equal to or better than those required by the manufacturer. The muffler requirement shall be marked on the grading plan submitted by the developer for review and approval by the Community Development Department prior to grading permit issuance.

4.8-4(c) All construction equipment with backup alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. The self-adjusting backup alarms shall automatically adjust to 5 dB(A) over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels. In addition to the use of backup alarms, the construction contractors shall consider other techniques such as
Implementation of the above mitigation measures would reduce Impact 4.8-4 (Causes a substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing levels without the project) to a less-than-significant level by reducing construction noise level increases to less than 5 dB at the nearest off-site sensitive receptors.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081(a)(1)).

**SIGNIFICANT EFFECT: CUMULATIVE ON-SITE NOISE IMPACTS (IMPACT 4.8-6)**

**Finding**

The Cumulative Plus Project Virginistown Road scenario includes future project-generated traffic combined with existing traffic volumes and traffic associated with proposed and pending projects in the region. Cumulative Plus Project Virginistown Road traffic noise levels at the nearest proposed outdoor activity areas would exceed the allowable City of Lincoln exterior noise level standard of 60 dB $L_{A,NEL}$. In addition, maximum indoor noise levels anticipated at upper floor locations on Virginistown Road would exceed the 45 dB $L_{A,NEL}$ indoor noise level standard set forth in Title 24. Therefore, the proposed project could expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and the project's incremental contribution would be considered cumulatively considerable. (Draft EIR, pp. 4.8-20 to 4.8-22)

**Facts in Support of Finding**

The following mitigation measures would reduce to a less-than-cumulatively-considerable level the project's impact regarding cumulative on-site noise impacts.

4.8-5(a) **Implement Mitigation Measure 4.8-1.**

4.8-5(b) **Prior to issuance of Building Permits, the applicant shall show on the construction drawings that all upper-floor windows of residences located adjacent to Virginistown Road, with views of the roadway, shall be upgraded to STC-32, to control interior noise and achieve the City's interior noise standards for review and approval by the City Building Official.**

**Finding after Mitigation**

Implementation of the above mitigation measures would reduce Impact 4.8-5 (Cumulative on-site noise impacts) to a less-than-cumulatively-considerable level by reducing exterior and interior noise levels at the residences adjacent to Virginistown Road that would achieve compliance with City of Lincoln noise standards for new residential development.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081(a)(1)).

**6.6 TRANSPORTATION AND CIRCULATION**

**SIGNIFICANT EFFECT: IMPACTS TO STUDY INTERSECTIONS (IMPACT 4.10-1).**

**Finding**

Project-generated traffic would cause the 12th Street/East Avenue intersection, currently operating at an acceptable level of service (LOS) under existing conditions, to operate at unacceptable LOS. Because the proposed project would cause an intersection operating at an unacceptable LOS (without the project) to operate at an unacceptable LOS (with the project), the proposed project's impact to study intersections, specifically the intersection of 12th Street/East Avenue, would be considered significant. (Draft EIR, pp. 4.10-26 to 4.10-31)

**Facts in Support of Finding**

The following mitigation measures would reduce to a less-than-significant level the project's potential impacts to study intersections.

4.10-1 Prior to issuance of a building permit, the project applicant shall pay its fair-share cost towards signalization of the 12th Street/East Avenue intersection. This improvement is included in the City's updated PFE program. Therefore, PFE credits would be given to the construction party. Alternatively, the City may require the project applicant to construct the improvements and provide it with a right of reimbursement from third parties who also benefit from the improvement. Payment by the applicant of the City's PFE transportation fees shall represent the project's fair share of this improvement.

**Finding after Mitigation**

Signalization of the 12th Street/East Avenue intersection would improve intersection operations to acceptable LOS B and is included in the City of Lincoln's Public Facilities Element (PFE). As a result, payment of the project's fair-share cost of the programmed improvement, or construction of the improvement (subject to future reimbursement), would reduce Impact 4.10-1 (Impacts to study intersections) to a less-than-significant level.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081(a)(1)).

**SIGNIFICANT EFFECT: CONSTRUCTION IMPACTS (IMPACT 4.10-7).**

**Finding**

Construction activity associated with the proposed project would be significantly lower than the amount of traffic generated by the project at buildout. In addition, construction workers typically arrive before the morning peak hour and leave before the evening peak hours of the traditional commuter time periods. Deliveries of building material (timber, concrete, asphalt, etc.) would also normally occur outside of the traditional commuter time periods. As a result, any increase in construction traffic related delay would be less than the increase in delay under existing Plus Project Conditions. Nonetheless, because the proposed project has the potential to affect
circulation along the nearby roadway network during the short-term construction period, including due to the improvements to Hungry Hollow Road and Virginia Street. Short-term impacts related to construction could be considered significant. (Draft EIR, pg. 4.10-37)

Facts in Support of Finding

The following mitigation measure would reduce to a less-than-significant level the project's potential construction impacts.

4.10-7 Prior to the commencement of construction, the project applicant shall prepare a detailed Construction Traffic Management Plan subject to review and approval by the City Department of Public Works. At a minimum, the plan shall include:

- The number of truck trips, time, and day of street closures;
- Time of day of arrival and departure of trucks;
- Provision of a truck circulation pattern;
- Identification of detour routes and signing plan for street closures, if necessary;
- Maintain safe and efficient access routes for emergency vehicles;
- Minimize traffic control when necessary;
- Proper advance warning and posted signage concerning street closures; and
- Provisions for pedestrian and bicycle safety.

A copy of the Construction Traffic Management Plan shall be submitted to local emergency response agencies and transit providers. Such agencies shall be notified at least 30 days prior to the commencement of any construction that would partially or fully obstruct roadways.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 4.10-7 (Construction Impacts) to a less-than-significant level by requiring implementation of a construction Traffic Management Plan that will identify truck routes and any needed detour routes through posting of appropriate signage.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[4][7]).

SIGNIFICANT EFFECT: CUMULATIVE IMPACTS TO STUDY INTERSECTIONS (IMPACT 4.10-9).

Finding

For intersections that operate unsatisfactorily, the City of Lincoln designates a significance threshold for projects of five seconds of incremental addition to average vehicle delay. Four intersections would operate unsatisfactorily under cumulative conditions with or without the proposed project. Of the four intersections operating unsatisfactorily under both the Cumulative No Project and Cumulative With Project Conditions, the project's incremental contribution of traffic would only result in greater than five seconds of additional delay at the Virginia Street/Hungry Hollow Road intersection. Therefore, the proposed project's contribution to cumulative impacts to study intersections, specifically the Virginia Street/Hungry Hollow Road intersection, would be considered significant. (Draft EIR, pp. 4.10-59 to 4.10-63)

Facts in Support of Finding

The following mitigation measure would reduce to a less-than-cumulatively-considerable level the project's potential cumulative impacts to study intersections.

4.10-9 Prior to issuance of a building permit, the project applicant shall fully fund the following improvements to the intersection of Virginia Street/Hungry Hollow Road:

- Add actuated-uncordinated signalization, which is able to detect the presence of vehicles via sensors in the pavement; and
- Add a right-turn pocket on the eastbound approach.

The applicant shall be subject to PFE Transportation fee credits if the improvements are subsequently included in the City's updated PFE.

Or

If prior to issuance of building permits, the City's PFE is to be updated at the time, includes the following improvements to the Virginia Street/Hungry Hollow Road intersection, then the applicant shall pay its fair share cost towards the improvements through payment of the City's PFE Transportation fee:

- Add actuated-uncordinated signalization, which is able to detect the presence of vehicles via sensors in the pavement; and
- Add a right-turn pocket on the eastbound approach.

Finding after Mitigation

Implementation of the above mitigation measure would improve operations at the intersection of Virginia Street/Hungry Hollow Road to an acceptable level (LOS B), thus reducing reduce Impact 4.10-9 (Cumulative Impacts to study intersections) to a less-than-cumulatively-considerable level. The required improvements are not currently included in the City of Lincoln's adopted PFE, and a mechanism for funding the improvements is not currently in place. The signalization improvement is within the City's draft PFE update, which is anticipated to go before City Council for consideration in the summer of 2017. As such, the following mitigation measure includes two options: 1) the applicant shall fully fund the signalization improvement and be subject to the credits if the improvements are subsequently included in the City's PFE update; or 2) if, prior to issuance of building permits, the City's draft PFE includes the needed improvements to Virginia Street/Hungry Hollow Road, the applicant shall pay the City's PFE Transportation fee, which shall represent the project's fair share.

The City finds that changes or alterations have been required, or incorporated into the project, which mitigate or avoid the significant effects on the environment (Public Resources Code Section 21081[4][7]).
7 SIGNIFICANT IMPACTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE

7.1 TRANSPORTATION AND CIRCULATION

SIGNIFICANT EFFECT: CUMULATIVE IMPACTS TO STUDY ROADWAY SEGMENTS (IMPACT 4.10.40).

Finding

Three study roadway segments would operate unsatisfactorily under cumulative conditions with or without implementation of the proposed project. Operations associated with each intersection are described below:

- Sierra College Boulevard between SR 192 & Taylor Rd — operations would be altered as follows:
  - LOS F operations unchanged (zero increase in volume to capacity ratio) with the addition of 100 average daily project trips.

- Lincoln Boulevard between Joiner Pkwy & SR 65 interchange — operations would be altered as follows:
  - LOS F operations unchanged (zero increase in volume to capacity ratio) with the addition of 300 average daily project trips.

- Virginia St. between Hungry Hollow Rd & McCarthey Rd — operations would be altered as follows:
  - LOS F operations unchanged (0.04 increase in volume to capacity ratio) with the addition of 600 average daily project trips.

For roadway segments that already, or are projected to, operate unsatisfactorily, without a project, the significance threshold for projects is whether an increase in the volume to capacity ratio by 0.01 or more would occur. As shown above, the volume to capacity ratio along Virginia St. between Hungry Hollow Rd and McCarthey Rd would increase by more than 0.01, resulting in a significant impact. Therefore, the proposed project's incremental contribution to cumulative impacts to study intersections would be cumulatively significant. (Draft EIR, pp. 4.10.40 to 4.10.46)

Facts in Support of Finding

Feasible mitigation is not available to reduce this impact because of the physical constraints to widening Virginia St. east of McCarthey Rd. City standards. Specifically, Virginia St. east of McCarthey Rd is a two-lane roadway that is separated from residential subdivisions development on the north, a mix of uses on the south, between McCarthey Rd and the project site, and the Village 1 Specific Plan area immediately south. Due to the width of the right-of-way, widening to City standards, including bike lanes and turning lanes, is not feasible. Further, the adopted General Plan Land Use and Circulation Diagram does not identify any improvements to Virginia St. in conjunction with growth under the General Plan through 2050 that would involve increasing its capacity by adding additional lanes. Moreover, widening is not included in the City's adopted SFPE. nor is it included in the draft update to the PFE (Draft EIR, p. 4.10.46). For these reasons, this impact would remain significant and unavoidable.

The City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (Public Resources Code Section 21081(d)). As set forth in Section 10 (Statement of Overriding Considerations), below, the City of Lincoln finds that the project meets the project objectives — which have substantial social, economic, policy and other public benefits — justifying its approval and implementation notwithstanding the fact that an environmental impact was not reduced below a level of significance.

8 PUBLIC COMMENTS

The City of Lincoln received four comment letters from local agencies during the public comment period on the Draft EIR for the proposed project. The City did not receive any written comments from members of the public. No federal or state agencies provided comments on the Draft EIR during the review period. Members of the City's Planning Commission provided several comments on the Draft EIR at its regular meeting on August 16, 2017 (see Section 3, above). In no instances did the City fall to take seriously any suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions.

9 ALTERNATIVES

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives. (CEQA Guidelines §15126(a)). Case law has indicated that the lead agency has the discretion to determine how many alternatives constitute a reasonable range. (Citizens of Goat Valley v. Board of Supervisors (1990), 52 Cal.3d 553, 566). CEQA Guidelines note that alternatives evaluated in the EIR should be able to attain most of the basic objectives of the project (CEQA Guidelines §15126.6(a)). An EIR need not present alternatives that are incompatible with fundamental project objectives (San Francisco Bay Association v. San Francisco Bay Conservation & Development Commission (1992), 10 Cal.App.4th 958), and the Guidelines provide that an EIR need not consider alternatives that are infeasible. (CEQA Guidelines §15126.6(a)). The Guidelines provide that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” (CEQA Guidelines §15126.6(a)). The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines §15126.6(b)).

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also Citizens of Goat Valley v. Board of Supervisors ("Goatly") (1990) 52 Cal.3d 553, 563).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417.) “Feasibility” under CEQA encompasses “desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors. (Id; see also California Native Plant Society v. City of Santa Cruz (2007) 177 Cal.App.4th 957, 1001-1002 (City of Santa Cruz.).

The review of project alternatives is guided primarily by the need to substantially reduce or eliminate impacts associated with the project, while still achieving the basic objectives of the project. The following objectives for the project were provided by the applicant:

1. Provide the City of Lincoln with a project site in the 150-unit range, with lot sizes comparable to those in the adjacent Lincoln Highlands subdivision, and consistent with the 2008 Lincoln General Plan assumptions for the project site;
2. Complete the land use planning for the last parcel in the 2003 Lincoln General Plan adjacent to the north side of Virginia Town Road and within the City's SOD with a walkable residential development consistent with Blueprint principles of the Sacramento Area Council of Governments (SACOG).

3. Create an attractive gateway to Lincoln on Virginia Town Road from the east as residents and visitors enter the northeastern portion of the City.

4. Improve the City's tax base by replacing a long-standing undeveloped property with market ready housing and lot sizes attractive to a broad range of homebuyers.

5. Create a sustainable residential development that maximizes opportunities for energy efficiency, water conservation, and use of renewable energy systems; and

6. Provide a housing development with approximately twenty percent of the project site in open space.

The detailed discussion in Sections 4 and 5 demonstrates that many of the significant environmental effects of the project have been either substantially lessened or avoided through the imposition of existing policies or regulations or by the adoption of additional, formal mitigation measures recommended in the EIR.

The City can fully satisfy its CEQA obligations by determining whether any alternatives identified in the Draft EIR are both feasible and environmentally superior with respect to the project impacts identified in the EIR. (See Laurel Mills Homeowners Assn. v. City Council (1978) 83 Cal.App.3d 515, 520-521, 524-527; Kings County Farm Bureau, et al. v. City of Farmersville (1988) 112 Cal.App.3d 375, 380-381; and Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 97 Cal.3d 375, 400-404; see also Pub. Resources Code, Section 21002). These Findings will assess whether each, alternative is feasible in light of the project applicant's objectives for the project, which, as noted earlier, the City Council finds to be legitimate and has embraced as though they were the City's own objectives.

As discussed in California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, the issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR, and (2) during the agency's later consideration of whether to approve the project. But differing factors come into play at each stage. For the first phase — inclusion in the EIR — the standard whether the alternative is potentially feasible. (Guidelines, § 15126.6, subd. (d)) By contrast, at the second phase — the final decision on project approval — the decisionmaking body evaluates whether the alternatives are actually feasible. (See Guidelines, § 15091, subd. (a).) At that juncture, the decisionmakers may reject as infeasible alternatives that were identified in the EIR as being potentially feasible.

As the following discussion will show, no identified alternative qualifies as both feasible and environmentally superior to the project.

9.1 No Project (No Build) Alternative

CEQA requires the evaluation of the comparative impacts of the "No Project" alternative (CEQA Guidelines Section 15126.6[a]). Analysis of the no project alternative shall:

... discuss [... existing conditions [... as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." (Id., subd. (b)(3)) "If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in the property's existing status versus environmental effects that would occur if the project were approved. If

... the project would not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment." (Id., subd. (e)(3)(b))

The City has decided to evaluate a No Project (No Build) Alternative. The No Project (No Build) Alternative is defined in this section as the continuation of the existing conditions of the project site, which is predominately vacant grassland habitat, interspersed with seasonal pools and bisected by the Lincoln Canal, owned and operated by Newarks Irrigation District. The No Project (No Build) Alternative would not meet any of the project objectives.

Because the No Project Alternative would not involve construction, impacts associated with construction of the proposed project would not occur. Furthermore, existing on-site land uses would not be modified as a result of the placement of new residential structures. The No Project Alternative would result in no impacts to aesthetics, air and water quality, noise, biological resources, cultural resources, soils, geology, and serendipity; hydrology and water quality, land use and agricultural uses, noise, public services and utilities, and transportation and circulation.

Implementation of the No Project (No Build) Alternative would not meet any of the Project Objectives. The City is not required to find that the No Project Alternative is infeasible, as development would not occur under the No Project Alternative. Nevertheless, the City has now determined that specific economic, social, and environmental considerations render the No Project (No Build) Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (c)(3).) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar, supra, 133 Cal.App.4th at p. 417; City of Santa Cruz, supra, 177 Cal.App.4th at pp. 995, 1000-1003.) The No Project (No Build) Alternative would not promote the objectives of the project.

To the extent the project has greater environmental impacts than the No Project (No Build) Alternative, the City believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the City believes that the benefits of the project as proposed outweigh its environmental costs. (See Laurel Mills, supra, 89 Cal.App.3d at p. 521 (a public agency may approve "... a project once it signifies that the adverse effects have been reduced to an acceptable level — that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable."))

9.2 Reduced Intensity Alternative 1 / Clustered Development

The Reduced Intensity Alternative 1 / Clustered Development includes the development of the proposed project with 72 single-family residential units. The 72 units would be clustered in the southwest corner of the project site with the remainder of the site designated as open space. Similar to the proposed project, it is assumed that the alternative would also include two roadway access points, one along Virginia Town Road and the other along Hungry Hollow Road. The Reduced Intensity Alternative 1 / Clustered Development would result in fewer impacts than the proposed project in the majority of environmental resources evaluated in this EIR. However, the Reduced Intensity Alternative 1 / Clustered Development would result in similar impacts related to land use, agriculture, and noise.

With respect to traffic, the reduction of residential units from 144 units included in the proposed project to 72 units included in the Reduced Intensity Alternative 1 / Clustered Development, would reduce the number of vehicles generated by "...
vehicle trips occurring to and from the project site. Despite such reductions, mitigation related to signalization of nearby intersections may continue to be necessary. Furthermore, the project's significant and unavoidable impact on the section of Virginstown Road between Hungry Hollow Road and McCourtyard Road may continue to occur due to vehicle traffic related to the Reduced Intensity Alternative 1 / Clustered Development. Despite the continued need for traffic-related mitigation, the amount of traffic attributable to the Reduced Intensity Alternative 1 / Clustered Development would be less than that attributable to the proposed project. In addition, the Reduced Intensity Alternative 1 / Clustered Development would continue to have the potential to disrupt traffic during construction activities. Therefore, mitigation requiring the preparation of a construction traffic management plan for construction traffic impacts would still be necessary.

Finding:

The City has determined that specific economic, social, and environmental considerations render the Reduced Intensity Alternative 1 / Clustered Development feasible. (See CEQA Guidelines, Section 15091, subd. (a)(5)). Under CEQA, by providing for far fewer units than what was previously considered for the site per the 2008 Lincoln General Plan, the Reduced Intensity Alternative 1 / Clustered Development would conflict with the City's planning efforts. Furthermore, because the Reduced Intensity Alternative 1 / Clustered Development would result in fewer units per developable acre, the Alternative may not be fiscally feasible. Implementation of the Reduced Intensity Alternative 1 / Clustered Development would not achieve the project objectives of providing a project in the range of 150 units, with a number of units consistent with the 2008 Lincoln General Plan assumptions for the project site. With one-half fewer units, the Reduced Intensity Alternative 1 / Clustered Development would contribute less to the City's tax base and availability of housing and lot sizes attractive to a broader range of homebuyers, which would not achieve Objective #4. Specifically, Alternative 1 is estimated to generate approximately half the amount of City General Fund revenues, as compared to the proposed project ($1,980,000 /project) vs. $2,404,000 (Alternative 1). Similarly, Alternative 1 is estimated to generate approximately half the amount of Development Impact Fee program revenues, as compared to the proposed project ($3,516,000 /project) vs. $1,908,000 (Alternative 1).

It is also noteworthy that Alternative 1 becomes much more financially difficult than the proposed project given that the per lot infrastructure costs for Alternative 1 are nearly 60 percent higher than for the proposed project, or nearly $34,300 more per lot than the project. This is in part due to the fact that the same level of construction costs are required for Virginstown Road and Hungry Hollow Road improvements, as well as the costs of the required detention basins; however, there are fewer units to bear the costs.

The Reduced Intensity Alternative 1 / Clustered Development would not avoid or substantially lessen any of the significant effects of the proposed project.

To the extent that the project has greater environmental impacts than the Reduced Intensity Alternative 1 / Clustered Development, the City believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the City believes that the benefits of the project as proposed compared to the Reduced Intensity Alternative 1 / Clustered Development outweigh its environmental costs. (See Lender Hills, supra, 20 Cal.App.3d at p. 321 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level – i.e., “all available means have been exhausted one that which remains is otherwise acceptable”).

9.3 REDUCED INTENSITY ALTERNATIVE 2

The Reduced Intensity Alternative 2 includes the development of the proposed project with 121 residential units spread throughout the project area. The 121 lots have a minimum lot size of approximately 10,000 sf, rather than the 6,000 sf under the proposed project. Access to the Reduced Intensity Alternative 2 would be provided by one


Lincoln Meadows Project
City of Lincoln
As with Alternative 1, it is also noteworthy that Alternative 2 becomes more financially difficult than the proposed project given that the per lot infrastructure costs for Alternative 2 are nearly 25 percent higher than for the proposed project, or nearly $17,000 more per lot than the project. Additionally, the Reduced Intensity Alternative 2 would not provide any open space, and, thus, would not meet the project objective to provide housing development with approximately twenty percent of the project site in open space (Objective 4). While the Reduced Intensity Alternative 2 could result in fewer environmental impacts in some resource areas, it would result in greater impacts for others. Thus, the Reduced Intensity Alternative 2 would not avoid or substantially lessen any of the significant environmental effects of the proposed project.

To the extent that the project has greater environmental impacts than the Reduced Intensity Alternative 2, the City believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the City believes that the benefits of the project as proposed compared to the Reduced Intensity Alternative 2 outweigh its environmental costs. (See Laurel Hills, supra, 63 Cal.App.3d at p. 521 (a public agency may approve 1. a project once its significant adverse effects have been reduced to an acceptable level -- that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable)).

10 STATEMENT OF OVERRIDING CONSIDERATIONS

As discussed in Section 6 of these CEQA Findings, the Final EIR concludes that the project, even with the incorporation of all feasible mitigation measures and consideration of alternatives, will nonetheless cause direct significant and unavoidable cumulative impacts to roadway segments. Specifically, the project would substantially increase the volume to capacity ratio along Virginia Street between English Hollow Road and McCoy Road. Feasible mitigation is not available to reduce this impact because of the physical constraints to widening Virginia Street east of McCoy Road to City standards. Virginia Street east of McCoy Road is a two-lane roadway that is bordered by existing residential subdivision development on the north, a mix of uses on the south, between McCoy Road and the project site, and the Village 1 Specific Plan immediately south. Due to the width of the right-of-way, widening to City standards, including bike lanes and turn pockets, is not feasible. Further, the adopted General Plan Land Use and Circulation Diagram does not identify any improvements to Virginia Street in conjunction with growth under the General Plan through 2050 that would involve increasing its capacity by adding additional lanes. Moreover, widening is not included in the City’s adopted 2035, nor is it included in the draft update to the PFE. For those reasons, this impact would remain significant and unavoidable.

Under CEQA, before a project which is determined to have a significant, unmitigated environmental effect can be approved, the public agency must consider and adopt a “statement of overriding considerations” pursuant to CEQA Guidelines Sections 15063 and 15093. As the primary purpose of CEQA is to fully inform the decisionmakers and the public as to the environmental effects of a project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance, CEQA nonetheless recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. However, that agency must explain and justify the conclusion to approve such projects through the statement of overriding considerations, setting forth the project’s general social, economic, policy, or other public benefits that support the agency’s informed conclusion to approve the project.

The City of Lincoln finds that the project meets the following objectives — which have substantial social, economic, policy and other public benefits — justifying its approval and implementation, notwithstanding the fact that an environmental impact was not reduced below a level of significance:


The project will provide for the following benefits:

1. Complete the land use planning for the last parcel in the 2008 Lincoln General Plan adjacent to the north side of Virginia Street and within the City’s Sphere of Influence with a walkable residential development consistent with Blueprint principles of the Sacramento Area Council of Governments (SACOG);

2. Create an attractive gateway to Lincoln on Virginia Street from the east as residents and visitors enter the northeastern portion of the City;

3. Improve the City’s tax base by replacing a long-standing undeveloped property with market-ready housing and lot sizes attractive to a broad range of homeowners;

4. Create a sustainable residential development that maximizes opportunities for energy efficiency, water conservation, and use of renewable energy systems; and

5. Generate Development Impact Fee Revenues to be used for City capital improvements related to backbone infrastructure and public facilities.

With respect to Item 1, the proposed project would include the construction of pedestrian facilities both within the project development and along its project frontage on the north side of Virginia Street. To the west of the project site, continuous sidewalks are provided except for a 300-foot section directly west of Heartwood Street. The pedestrian network would encourage residents to walk to the nearby destinations such as the neighborhood park on Corner Lane and Carlin C. Coggin Elementary School.

With respect to Item 2, project improvements along Virginia Street would include landscape enhancements that would create a visual buffer between Virginia Street and the proposed single-family units. Specifically, the landscape buffer would include a sound wall, a six-foot fence, a 6.5-foot pedestrian assessment, and a 20-foot landscape easement. Additionally, two open space lots would be visible from Virginia Street: a large 7.5-acre open space lot and a smaller 0.26-acre open space lot. The aforementioned improvements would ensure that the proposed project would be visually attractive to residents and visitors passing by the project site along Virginia Street.

With respect to Item 3, the proposed project site is currently vacant and undeveloped. Thus, by developing the proposed project site with 141 single-family homes on lots ranging in size from 8,000 square feet to 12,787 square feet, the project would improve the City’s tax base. More specifically, according to the technical memorandum prepared by EPS, based on a total assessed value of approximately $87.8 million for the Lincoln Meadows project, it is estimated that the proposed project, at buildout, will generate about $787,000 in annual property tax revenue.

The total amount of City General Fund revenue that would be generated by the project is estimated to be approximately $130,484 in annual City General Fund revenues. This includes the amount of property tax revenue generated by the project that would be allocated toward the City General Fund, which is estimated at $93,000 annually. Other project revenues include property tax in lieu of vehicle license tax (PITV/LIFT), property transfer tax revenue, and estimated sales tax revenue generated by project residents.

With respect to Item 4, the project would be required to comply with the compulsory with the mandatory standards of the current CALGreen Code, including compliance with the California Building Energy Efficiency Standards Code, which would help to reduce the proposed project’s overall consumption of energy.

Lastly, with respect to Item 5, the proposed project is estimated to generate approximately $3,816,000 in Development Impact Fee Program revenues for City backbone infrastructure and public facilities.
11 ABSENCE OF SIGNIFICANT NEW INFORMATION REQUIRING RECIRCULATION OF THE DRAFT EIR

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes (i) significant changes to the project; (ii) significant changes in the environmental setting; or (iii) significant additional data or other information. Section 15088.5 further provides that "[s]ignificant new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect or potential for the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

New or substantial changes to the Draft EIR were not proposed as a result of the public comment process. The Final EIR responds to comments and makes only minor technical changes, clarifications, or additions to the Draft EIR. The minor changes, clarifications, or additions to the Draft EIR do not identify any new significant impacts or substantial increases in the severity of any environmental impacts and do not include any new mitigation measures that would have a potentially significant impact. Therefore, recirculation of the EIR is not required, because none of the changes involve "significant new information," and were either environmentally benign or environmental neutral, and thus represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion.

12 LEGAL EFFECT OF FINDINGS

These Findings constitute the City Council members' best efforts to set forth the evidentiary and policy basis for its decision to approve the project in a manner consistent with the requirements of CEQA. To the extent that these Findings conclude that proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds the Project Applicant and any other responsible parties to implement these measures. These Findings, in other words, are not merely informational or advisory, but constitute a binding set of obligations that will come into effect when the City adopts the resolution(s) and/or ordinance(s) approving the General Plan Amendment, Tentative Map, Annexation/Preliminary Design Review, Development Permits, and Development Agreement for the project. In addition, the adopted mitigated measures are conditions of approval.

13 CONCLUSION

Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following findings with respect to each of the potentially significant impacts of the project:

1. Changes or alterations have been required to, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following findings with respect to the significant and unavoidable impact of the project:

1. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

2. The project’s benefits outweigh the significant and unavoidable impact of the project, as set forth in the Statement of Overriding Considerations.

Based on the foregoing Findings and the information contained in the record, it is determined that:

1. All significant effects on the environment due to the project will be eliminated or substantially lessened; and
2. The significant effects on the environment due to the project are outweighed by specific economic, legal, social, technological, or other considerations; and
3. No mitigation measures have been deemed infeasible.

Taken together, the Final EIR, the mitigation measures, and the MMIP provide an adequate basis for approval of the Lincoln Meadows Project.
AGREEMENT BETWEEN THE CITY OF LINCOLN AND COUNTY OF PLACER REGARDING TRANSFER OF PROPERTY TAX LINCOLN MEADOWS ANNEXATION

This AGREEMENT is entered into by and between the CITY OF LINCOLN, a municipal corporation ("City") and the COUNTY OF PLACER, a political subdivision of the State of California ("County"), (collectively, the "Parties").

RECITALS

A. The City will file an application with the Placer County Local Agency Formation Commission ("Placer LAFCo") for reorganization amendments, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code Section 55000, et. seq.). The City requests approval of an annexation into the City boundaries of that real property legally described in Exhibit A and depicted in Exhibit B to this Agreement ("Annexation Area") and otherwise known as the "Lincoln Meadows" project.

B. Said Annexation Area is currently located in the unincorporated portion of the County. This Agreement would enable the annexation of approximately 43.87 acres into the City. The Lincoln Meadows project is located adjacent to existing City limits, at the intersection of Hungry Hollow Road and Virginiatown Road and proposes 144 housing units for an estimated 360 new residents.

C. Revenue and Taxation Code section 99 requires a city seeking to annex property and the county affected by such annexation to agree upon a property tax revenue exchange agreement in order for Placer LAFCo to issue a Certificate of Completion for the annexation.

D. The City and the County wish to work together to develop a fair and equitable approach to sharing of property tax revenues within the Annexation Area. The City and the County recognize the importance of the City's and the County's services and maintaining adequate service levels to the Annexation Area for the health, safety, and welfare of the citizens of the City and the County. The City and the County wish to cooperate as provided in this Agreement in an effort to address the City's and the County's fiscal considerations in providing such services, as well as their respective present and future economic and planning needs. This Agreement is intended to satisfy the requirements of Revenue and Taxation Code section 99 (b).
AGREEMENT

NOW, THEREFORE, the Parties agree as follows:

Section 1. Recitals. The City and the County each acknowledge the factual accuracy of the Recitals and agree that the Recitals are incorporated in this Agreement as though fully set forth in full.

Section 2. Definitions.

"AFFECTED TAX RATE AREA" (or "TRA" or "TRAs") shall mean as to this Agreement those base property tax revenues and/or incremental property tax revenues available from the Annexation Area. As to this Agreement, the TRAs: TRA 076-080.

The County Auditor has notified the City and County pursuant to Revenue and Taxation Code section 99(b)(2) that of the 1% Ad Valorem Property Tax imposed pursuant to Article 13A, section 1 of the State Constitution, the Property Tax Revenue which is subject to negotiated exchange consists of the following elements.

<table>
<thead>
<tr>
<th>TRA 076-080</th>
<th>% AB 8 (2018-2019)</th>
</tr>
</thead>
<tbody>
<tr>
<td>County General Fund</td>
<td>27.8143%</td>
</tr>
<tr>
<td>Library Control Fund</td>
<td>1.3834%</td>
</tr>
<tr>
<td>Fire Control Fund</td>
<td>1.2249%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>30.4226%</strong></td>
</tr>
</tbody>
</table>

The above percentages are estimates of the County’s total share of the Property Tax Revenue and are subject to correction by the Auditor. They also reflect the allocation of property taxes prior to reallocation of property taxes away from the County to the Education Revenue Augmentation Fund (ERAF); i.e., they are pre-ERAF Shift percentages. Tax sharing is based on the pre-ERAF Shift percentages.

“Lincoln Meadows” shall mean the development proposed for that real property described in Exhibit A. Lincoln Meadows is a 43.87-acre project located northwest of the intersection of Hungry Hollow Road and Virginiatown Road in Northeast Lincoln, east of Downtown Lincoln as described in Recital B above.

“Annexation Area” shall mean the area legally described in Exhibit A and depicted in Exhibit B, in the unincorporated area of the County, which consists ± 43.87 acres.
"ANNEXATION DATE" shall mean the date specified by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code, ¶¶ 56000, et seq.) as the effective date of Placer LAFCo's action on the City's application for the Annexation Area.

"PROPERTY TAX REVENUE" shall mean "ad valorem real property taxes on real property" as said term is used in Section 1 of Article 13A of the California Constitution and more particularly defined in subsection (c) of Section 95 of the California Revenue and Taxation Code, and includes both the base (total amount of property tax revenue based upon the AB 8 gross levy for the fiscal year) and the Incremental (amount of property tax revenue attributable to the annual tax increment change in assessed valuation in each fiscal year) and supplemental property tax revenues as more particularly defined in Section 75 of the California Revenue and Taxation Code.

Section 3. General Purpose of Agreement. The general purpose of this Agreement is to devise an equitable exchange of Property Tax Revenue between the City and the County on and after the Annexation Date as required by Government Code section 56815(b) and Revenue and Taxation Code section 99.

Section 4. Establishment of Separate Tax Rate Area(s). County will work with the County Auditor and the State Board of Equalization to establish a separate Tax Rate Area or Areas (TRA(s)) for the Annexation Area prior to allocation and distribution of property tax under this Agreement and will report to City the actual amount of the Property Tax Revenue from the TRA(s) available for allocation and distribution pursuant to this Agreement.

Section 5. Conditions Precedent to Annexation. The City shall perform the following actions prior to annexation of the Annexation Area to the City:

5.1. Community Facilities District. The City shall adopt a Resolution of Intention to form a Community Facilities District with a Rate, Method, and Apportionment of Special Taxes for the Annexation Area of sufficient amount to cover projected fiscal deficit to support City services to the Annexation Area, with a subsequent favorable election. The City shall provide the County with copies of the certified Resolution of Intention and notice of a favorable election within ten (10) business days of adoption, respectively. Alternatively, the Annexation Area may be annexed into an existing public services CFD established for the same purposes, if the special tax structure of the existing CFD will be sufficient to mitigate projected fiscal deficit.

Section 6. Receipt and Allocation of Property Tax Revenues.

6.1 For the Annexation Area formerly in TRA 076080:
6.1.1 Commencing the first fiscal year following the date the new TRA(s) appear on the State Board of Equalization’s Tax Rate Area Chart, the County shall retain fifty-six and a half percent (56.5%) of the 1% property tax based on the sum total of all base and incremental property tax revenue levied for the Annexation Area.

6.1.2 The City shall be apportioned the remaining balance of the property tax in the affected funds subject to the apportionment of taxes for the annexation area and all general sales tax received from sales in the Annexation Area (forty-three and a half percent (43.5%) of the Property Tax Revenue levied for the Annexation Area.)

Section 7. Modification of Allocation of Property Taxes. The Parties agree that certain circumstances may result in a significant change to the revenues anticipated in this Agreement. These changes, identified in Section 7.1, could negatively impact the consideration of this Agreement to reach a fair and equitable approach to sharing of property tax revenues within the Annexation Area pursuant to Revenue and Taxation Code section 99 (b). As a result, the Parties agree to follow the process defined below to amend this Agreement to modify the allocation of property taxes.

7.1. Circumstances to Modify Property Tax Allocation. The Parties agree to discuss and update the City / County fiscal impact model (Model) if either Party believes there has been a significant change in: (1) the revenue assumptions in the Model for either the City of the County; (2) State action has imposed a significantly increased service level for either the City or the County without providing a funding source; or (3) other State action has occurred which has the effect of altering the fiscal outcomes that the tax sharing agreement was intended to provide. For purposes of this provision, the term State action includes action or inaction by the State of California, or action by the voters or judiciary.

7.2. If the Parties agree there has been a significant change, the Parties agree to update the Model and share equally in the cost of the same. If the Parties determine the updated Model necessitates changes to this Agreement, the Parties will each bring and recommend approval of the agreed-to amendments to the respective legislative bodies, each of which has the final decision on any updates to the Model and amendments to this Agreement.

7.3. If the Parties cannot reach agreement on the need to update the Model, or on whether there has been significant change necessitating an update to the Model, or on the nature of the modifications to the Model in response to a significant change, the City and the County shall mutually select a fiscal expert consulting firm to analyze and informally mediate the dispute. The Parties agree to participate in good faith in mediation. The City and the County will bear equally the cost of the services of the expert.
consultant and mediation. If after the informal mediation process the parties still cannot reach agreement, the Parties may request the fiscal expert consulting firm make final recommendations but recognize that such recommendations are advisory and not binding to either party.

Section 8. Capital Facilities Fee.

8.1. The City will require the developers of the Annexation Area to pay the County’s Capital Facilities Fee to County pursuant to County Ordinance No. 4769-B, adopted October 15, 1996 through inclusion of this requirement as a condition of approval or provision of the development agreement(s) for the Lincolns Meadows project. The City will require the developers to pay the fee to City per building permit issued and the City will remit the fee revenues to County within thirty (30) days of receipt.

8.2. In the event that the City fails to impose this requirement on the Lincoln Meadows project or subsequently terminates that requirement or for any reason, is unable to collect said fee from developers for countywide facilities, City agrees (a) at the time of issuance of a building permit within the Annexation Area to pay the equivalent amount of the County Capital Facilities Fee to the County as established from time to time; or (b) to modify the allocation of property taxes as set forth in Section 6 herein so as to provide for sufficient funding in the County’s share of property taxes to be received from the Annexation Area to fully fund the cost of capital facilities needed to serve all residents of the Annexation Area. Such modification of allocation shall provide full funding for all of the Capital Facilities Fees which City is unable to collect from the developers with an adjustment factor to take into account projected future increases in the Capital Facilities Fee.

8.3. Notwithstanding the provision of this Section 8, the City shall have no liability under this Section 8 to pay the Capital Facilities Fee to County if the County’s Capital Facilities Fee or any amendments to it are determined invalid by final judgment of a court of competent jurisdiction or if the authority to impose the Capital Facilities Fee in the unincorporated area is withdrawn from the County by an act of the Legislature.

Section 9. Exchange by County Auditor. The City and the County further agree that all of the exchanges of property taxes required by this Agreement shall be made by the County Auditor.

Section 10. Effect of Tax Exchange Agreement. This Agreement shall be applicable solely to the Annexation Area and does not constitute a master tax sharing agreement or an agreement on potential future property tax exchanges with the City.
Section 11. Administrative Charges. Administrative charges for preparation of property tax calculations, tracking, and invoicing shall be charged to the City based on actual costs and documented expenses. The County will invoice the City annually for administrative charges, with payment due within thirty (30) days of receipt of invoice.

Section 12. Effective Date of Agreement. This Agreement shall become effective on the last date of execution set forth below ("Effective Date").

Section 13. Termination. This Agreement may be terminated only by formal action of both the City Council and County Board of Supervisors.

Section 14. Indemnification. In the event this Agreement is the subject of a third party legal challenge, including but not limited to a third party legal challenge to the Lincoln Meadows project entitlements or any action taken by Placer LAFCo and that challenge names the County as a defendant/respondent, City will defend any such action on behalf of itself and County, and will indemnify County against any damages which may be awarded against County in such a legal challenge.

Section 15. General Provisions.

15.1. Modification. This Agreement may only be modified or amended in writing duly authorized and executed by both the City and the County, after action by both legislative bodies.

15.2. Entire Agreement. This Agreement supersedes any and all previous negotiations, proposals, commitments, writings, and understandings between the City and the County with respect to and strictly limited to the sharing of Property Tax Revenue for the Annexation Area.

15.3. Notices. All notices, requests, certifications, or other correspondence provided by the Parties to this Agreement shall be in writing and shall be personally delivered or delivered by first class mail to the respective Parties at the following addresses:

County
Placer County Executive Officer
County of Placer
175 Fulweller Avenue
Auburn, CA 95603

City
City Manager
City of Lincoln
600 Sixth Street
Lincoln, CA 95648

Notice by personal delivery shall be effective immediately upon delivery. Notice by mail shall be effective upon receipt or five (5) days after mailing, whichever is easier.

15.4. Agreement or Consent. Wherever this Agreement requires a party’s agreement or consent, the party shall make its decision to give or withhold
such agreement or consent in good faith and shall not withhold such agreement unreasonably or without good cause.

15.5. Construction of Captions. Captions of the sections of this Agreement are for convenience and reference only. The words in the captions in no way explain, modify, amplify, or interpret this Agreement.

15.6. Authority to Execute Agreement. The undersigned declare each has the authority of its legislative body to execute this Agreement. That authority is further evidenced by the citation to the passage of the authorizing resolution cited to below.

15.7. Venue. This Agreement is made in the County of Placer in the State of California. Any action to enforce or interpret its terms shall be brought in Placer County Superior Court.

15.8. Severability. Should any part, term or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

15.9. Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original.

CITY OF LINCOLN, a municipal corporation

__________________________________________
Jennifer Hanson, City Manager

ATTEST:

__________________________________________  Date approved by City Council: __________

___________________________, City Clerk  Resolution No. __________________________

APPROVED AS TO FORM:

__________________________________________

___________________________, City Attorney
COUNTY OF PLACER

______________________________
Todd Leopold, County Executive Officer

ATTEST:

______________________________
Megan Wood, Clerk of the Board

Resolution No. ________________

APPROVED AS TO FORM:

______________________________
Karin Schwab, Interim County Counsel
LINCOLN MEADOWS

LEGAL DESCRIPTION
EXHIBIT “A”

LAFCO ANNEXATION No. 2018—
CITY OF LINCOLN

All that real property situated in the County of Placer, State of California and being a portion of Section 11, Township 12 North, Range 6 East, M.D.M. described as follows:

Beginning at the Southeast corner of the Northeast One Quarter (1/4) of the Southeast One Quarter (1/4) of said Section 11 and being a point on the boundary of “LAFCO Annexation No. 2015-03, Recorded August 22, 2016 as Document No. 2016-0069139-00, Official Records of Placer County, and the North right of way of Virginiatown Road; thence along said common line, South 89°14'31" West, 1,310.87 feet to a point on the boundary of “LAFCO Annexation No. 2005-05, Recorded September 07, 2005 as Document No. 2005-0119524, Official Records of Placer County, and the East line of a 42 foot wide Irrevocable Offer of Dedication as described in Document No. 2010-006259, Official Records of Placer County; thence along last said common line, North 00°07'41" West, 1,296.94 feet to the Northwest corner of said Northeast One Quarter (1/4); thence leaving the boundary of last said common line, along the North line of said Northeast One Quarter (1/4), North 89°16'03" East, 1,313.78 feet to the East Quarter Corner of said Section 11; thence along the East line of said Section 11, South 00°00'04" West, 1,296.39 feet to the Point of Beginning.
Exhibit B:

Vicinity Map

Figure 1: Project Location