

Notice of Determination

Appendix D

To:

Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St. Rm 113 Sacramento, CA 95814

County Clerk
County of: Placer County
Address: 2954 Richardson Dr, Auburn, CA 95603

From:

Public Agency: City of Lincoln
Address: 600 Sixth Street, Lincoln, CA 95648
Contact: Steve Prosser
Phone: 916-434-2433

Lead Agency (if different from above):
County of Placer
Address: 3091 County Center Dr. Suite 190
Contact: Shirlee Herrington
Phone: 530-745-3132

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2005032050

Project Title: Placer County Conservation Program

Project Applicant: Placer County

Project Location (include county): Western Placer County

Project Description: Placer County Conservation Program is a regional comprehensive program intended to protect, enhance, and restore natural resources while streamlining permitting for public and private projects within Western Placer County, including the incorporated city limits of Lincoln.

This is to advise that the City of Lincoln has approved the above described project on October 13, 2020 and has made the following determinations regarding the above described project.

- 1. The project [X]will []will not] have a significant effect on the environment.
2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were []were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X]was [] was not] adopted for this project.
5. A statement of Overriding Considerations [X]was [] was not] adopted for this project.
6. Findings [X]were [] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: Placer County Community Development Resources Agency, 3091 County Center Drive, Auburn, CA 95603

Signature (Public Agency): Steve Prosser Title: Director
Date: October 16, 2020 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.



RESOLUTION 2020 - 174

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLN, AS A RESPONSIBLE AGENCY, CONSIDERING THE PLACER COUNTY CONSERVATION PROGRAM CERTIFIED FINAL ENVIRONMENTAL REPORT/ENVIRONMENTAL IMPACT STATEMENT, FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM AND MAKING RESPONSIBLE AGENCY FINDING OF LEGAL ADEQUACY OF THE FEIR IN ORDER TO MAKE A DETERMINATION OF APPROVAL OF THE PLACER COUNTY CONSERVATION PROGRAM

WHEREAS, the City of Lincoln has set October 13, 2020 as the hearing date on for the Placer County Conservation Program (PCCP) adoption and provided the required notice for the hearing;

WHEREAS, the public hearing by the City of Lincoln was held upon the date, time, and place specified in said notice of hearing;

WHEREAS, the County of Placer and USFWS respectively have assumed the role of lead agency for the environmental review and analysis of the PCCP pursuant to the requirements of the California Environmental Quality Act and National Environmental Policy Act;

WHEREAS, on September 1, 2020, the County of Placer certified a Final EIR/EIS, which included the Draft EIR/EIS, response to comments, Findings of Fact, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program;

WHEREAS, the City of Lincoln, acting in its role as a Responsible Agency, has reviewed the certified environmental analysis and the PCCP and subsequently prepared a report determining that the approval of the prepared Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program as part of the FEIR and FEIS is legally adequate for use by the City of Lincoln for its decision regarding the PCCP; and.

WHEREAS, CEQA requires a responsible agency to accept a certified EIR/EIS, as prepared by the lead agency and to treat the document as being legally adequate absent specified circumstances not present herein; and,

WHEREAS, the City has independently reviewed and determined that the EIR adequately disclosed and evaluated the impacts of the PCCP and imposed adequate mitigation measures to the extent feasible; and

WHEREAS, the City, after independently considering the EIR, the County's Statement of Findings, Statement of Overriding Considerations, and MMRP, and after evaluating the environmental impacts associated with the PCCP, has concluded that the EIR complies with CEQA and the CEQA Guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINCOLN DOES HEREBY RESOLVE, DETERMINE AND FIND AS FOLLOWS:

Section 1. As the decision-making body for the City, and in the City's role as a responsible agency under CEQA, the City Council has independently reviewed and considered the information contained in the EIR, the County's Statement of Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan ("MMRP"), supporting

documentation, and the whole of the record of proceedings. Based on this review, the City finds that, as to the potential environmental impacts of the PCCP that are within the City's powers and authorities to approve as a responsible agency, the EIR contains a complete, objective, and accurate reporting of the potential impacts of the PCCP, and that these findings reflect the independent judgment and analysis of the City. The City has determined that the EIR adequately disclosed and evaluated the impacts of the PCCP, and imposes adequate mitigation measures to the extent feasible. The County's Statement of Findings and Statement of Overriding Considerations are attached hereto as Exhibit A and the County's MMRP is attached hereto as Exhibit B. Exhibits A and B are incorporated by reference as if fully set forth herein.

Section 2. In its role as a responsible agency under CEQA, the City finds that there are no feasible alternatives to the proposed PCCP which would avoid or substantially lessen the PCCP's environmental impacts, but still achieve most of the PCCP's objectives. The City further finds that there are no additional feasible mitigation measures within the City's authority which would eliminate or reduce any of the PCCP's potentially significant impacts to a level of less than significant. The City has independently considered the MMRP, and hereby adopts the recommended Mitigation Measures. The City further finds that, pursuant to CEQA Guidelines section 15096(g)(2), the Statement of Overriding Considerations adopted by the County for the PCCP is supported by substantial evidence, that each Overriding Consideration outweighs the PCCP's potentially significant impacts, and that, in light of this, the significant and unavoidable impacts are acceptable. As such, the City concurs with the Statement of Findings and the Statement of Overriding Considerations made by the County, attached hereto as Exhibit A, and therefore the City independently adopts the Statement of Findings and Statement of Overriding Considerations as its own and incorporates them herein, pursuant to CEQA Guidelines §§ 15091 and 15096(h).

Section 3. Pursuant to Public Resources Code section 21081.6, the City hereby adopts, pursuant to CEQA Guidelines §§ 15091 and 15096(h), the County's MMRP attached to this Resolution as Exhibit B, as its own and incorporates them herein.

Section 4. Separately, pursuant to CEQA Guidelines section 15096, the City has reviewed and considered the information found in the EIR, the Findings of Fact, the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, and has reached its own conclusions on whether and how to approve the PCCP and make these findings. The proposed PCCP has not materially changed, the EIR was certified by the County only on September 1, 2020, and the details of the portion of the PCCP subject to the City's jurisdiction, which are adequately described in the certified EIR, have not materially changed. Accordingly, pursuant to Public Resources Code section 21002.1(d), the City, acting as a responsible agency under CEQA, has determined that the EIR prepared by the County complies with the mandates of CEQA and the CEQA Guidelines and fully discloses and analyzes the effects of those activities involved in the PCCP which the City is required by law to consider and approve or disapprove. In addition, the City finds that, pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15096(a) and 15162, the EIR prepared by the County is adequate for use by the City and that no subsequent or supplemental EIR is necessary to address any changes to the PCCP, changes in circumstances, or new information generated since the County certified the EIR under CEQA. Finally, pursuant to CEQA Guidelines section 15082, the County consulted with the City regarding the PCCP; the City has determined that none of the conditions set forth in CEQA Guidelines section 15052 have occurred, and, therefore, a shift in lead agency designation is not appropriate.

Section 5. All opportunities for public testimony and comment have been conducted in compliance with State law and the City of Lincoln Municipal Code.

Section 6. The City has reviewed the PCCP finds that it complies with all applicable provisions of the City's Municipal Code and is consistent with the City's General Plan. The City further finds that, based on the materials that constitute the record of proceedings, the adoption and implementation of the PCCP, will not conflict with any existing and in force mitigation measures that were imposed by the City, pursuant to CEQA, in connection with the City's approval of other projects.

Section 7. That the Community Development Director is directed to file a Notice of Determination with the County Clerk-Recorder within five (5) working days in accordance with Public Resources Code section 21152(a) and CEQA Guidelines section 15096.

Section 8. The documents and other materials constituting the administrative record of the proceedings upon which the City Council approval is based are located at City Hall, 600 Sixth Street, Lincoln, CA 95648.

PASSED AND ADOPTED this 13th day of October, 2020, by the following roll call vote with the modification of the date change.

AYES: COUNCILMEMBERS: Joiner, Gilbert, Andreatta, Silhi, Gilbert

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:



Dan Karleskint, Mayor

ATTEST:



Gwen Scanlon, City Clerk

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: 

City Clerk of the City of Lincoln, CA