

ORDINANCE NO. 1323

**AN UNCODIFIED ORDINANCE OF THE CITY OF FOLSOM APPROVING
AMENDMENT NO. 3 TO THE AMENDED AND RESTATED TIER 1 DEVELOPMENT
AGREEMENT BETWEEN THE CITY OF FOLSOM AND LENNAR HOMES OF
CALIFORNIA, LLC RELATIVE TO THE RUSSELL RANCH PHASE 2 LOTS 24-32
PROJECT**

WHEREAS, a Final Environmental Impact Report/Environmental Impact Statement for the Folsom Plan Area Specific Plan was prepared and certified by the City Council on June 11, 2011, and the Sacramento Local Agency Formation Commission approved the City's annexation of the Folsom Plan Area on January 18, 2012; and

WHEREAS, pursuant to the authority in Sections 65864 through 65869.5 of the Government Code, the City Council, following a duly notified public hearing on May 12, 2015, approved the Tier 1 Development Agreement relative to the Folsom Area Specific Plan (Tier 1 DA) for the Russell Ranch Phases 1-3.; and

WHEREAS, the proposed Russell Ranch Phase 2 Lots 24-32 Project consists of the development of 208 unit traditional residential community located within the Folsom Plan Area Specific Plan; and

WHEREAS, the City, the developer of the Russell Ranch Lots 24-32 Project desire to amend the DA in order to provide a minor update to reflect recent entitlements to provide greater certainty and clarity to matters that are common, necessary and essential for the development of the project; and

WHEREAS, the Planning Commission, at its regular meeting on December 15, 2021, considered Amendment No. 3 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Lennar Homes of California, LLC relative to the Russell Ranch Lots 24-32 Project at a duly noticed public hearing as prescribed by law, and recommended that the City Council approve said Amendment No. 3; and

WHEREAS, all notices have been given at the time and in the manner required by State Law and the Folsom Municipal Code.

NOW, THEREFORE, the City Council of the City of Folsom hereby does ordain as follows:

The foregoing instrument is a correct copy
of the original on file in this office.
ATTEST: *C. Freeman*
City Clerk of the City of Folsom, California

SECTION 1 FINDINGS

- A. The above recitals are true and correct and incorporated herein by reference.
- B. The Amendment No. 3 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Lennar Homes, LLC is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan and the Folsom Plan Area Specific Plan.
- C. The Amendment No.3 to the First Amended and Restated Tier 1 Development Agreement is in conformity with public convenience, general welfare, and good land use practices.
- D. The Amendment No. 3 will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area, nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City as a whole.
- E. The Amendment No. 3 will not adversely affect the orderly development of property or the preservation of property values.
- F. The Amendment No. 3 has been prepared in accordance with, and is consistent with, Government Code Sections 65864 through 65869.5, and City Council Resolution No. 2370.
- G. All notices have been given at the time and in the manner required by State Law and the Folsom Municipal Code.
- H. The Amendment No. 3 is consistent with the Environmental Impact Report / Environmental Impact Statement for the Folsom Plan Area Specific Plan certified by the City Council on June 11, 2011. Based on the analysis, the impacts of the Project are determined to be adequately addressed by the FPASP EIR/EIS, the Russell Ranch EIR, and the Russell Ranch Lots 24-32 Environmental Checklist and Addendum. No new impacts as a result of the Project have been identified, which are incorporated herein by reference. None of the events in Sections 15162 and 15163 of the CEQA Guidelines exists which warrant the preparation of a subsequent EIR or supplemental EIR.

SECTION 2 APPROVAL OF AMENDMENT TO DEVELOPMENT AGREEMENT

The Mayor is hereby authorized and directed to execute the Amendment No. 3 to the Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Lennar Homes of California, LLC on behalf of the City after the effective date of this Ordinance.

SECTION 3 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 4 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on January 25, 2022 and the second reading occurred at the regular meeting of the City Council on February 8, 2022.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 8th day of February 2022, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

