CITY OF LAKEPORT
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT & MITIGATED NEGATIVE DECLARATION / INITIAL STUDY

ITEM NO.:	**VI. A.**
DATE:	**October 12, 2011**
FILE NO:	**AX 11-01 / ER 11-01**
APPLICANT:	**City of Lakeport** **225 Park Street** **Lakeport, CA 95453**
STAFF CONTACTS:	**Andrew Britton & Richard Knoll**

PROPOSED ACTION: Consideration of a CEQA Initial Study and Mitigated Negative Declaration for the proposed annexation of 197 acres and 54 parcels in the South Main Street and Soda Bay Road area south of the current City limit boundary.

The annexation of land in the South Main Street area into the City of Lakeport has been discussed at various times throughout past years and is addressed in the City's General Plan. The City Council has directed staff to pursue the annexation as a priority project.

The City's updated General Plan was adopted in 2009 and includes extensive discussion regarding the future annexation of land within the City's Sphere of Influence. Much of the discussion regarding annexation is contained in the Urban Boundary Element of the General Plan. This element also provides various Objectives, Policies and Programs designed to provide guidance for annexation projects to ensure that the City of Lakeport continues to grow in an orderly and well-managed manner. A copy of the Urban Boundary Element is available on the Planning Department's webpage on the City's website (cityoflakeport.com).

The annexation process requires that a CEQA Initial Study / Environmental Review be conducted and the appropriate environmental clearance determined.

Under California law, the City is designated the lead agency for the CEQA review of an annexation project where the area has been pre-zoned.

A Draft Initial Study and Mitigated Negative Declaration of the proposed annexation project has been prepared in accordance with the CEQA guidelines and is attached to this report (attachment #1). The project area contains approximately 197 acres of developed, partially-developed and vacant privately-held land located to the south of the existing City limits along the South Main Street-Soda Bay Road corridor.

The majority of land on the west side of South Main Street is developed except for a parcel fronting on Highway 29 in the northeast corner of the annexation project area. The east side of South Main Street is partially developed with commercial uses; however, there are also large vacant parcels. Both sides of the Soda Bay Road area include developed and undeveloped parcels.

The purpose of the project is to annex lands into the City to meet the planned growth of the community and to facilitate the full range of urban services and public utilities to the project area. Future development within the annexation project area is anticipated, consistent with the existing densities and land use patterns.

ANNEXATION PROPOSAL: The Lakeport General Plan contains language concerning annexation of land to the City of Lakeport. Chapter 1 of the City's General Plan includes a section that explains the General Plan is intended to provide a "long range and comprehensive perspective" of the City's future to the year 2025.[1] The General Plan is to be used by the City Council and the Planning Commission to guide land use and planning-related decisions. The General Plan applies to public and privately owned land within the current City boundaries and within the City's Sphere of Influence (SOI).

The SOI represents the ultimate future boundaries of the City and is shown on Figure 3 of the Lakeport General Plan. Lands outside the City, but within the SOI, are currently under the County of Lake's jurisdiction and remain subject to the County's General Plan and zoning regulations.

The City has established pre-zoning designations for lands within the SOI which may be annexed in the future. The General Plan requires that annexation will occur within this Sphere of Influence and indicates that the City's pre-zoning must take into account the likely intended development of the specific property.

It is the objective of the General Plan that development within the SOI occurs in an orderly manner, maintains the existing development pattern, and complies with General Plan policies. The General Plan language provides a framework for orderly development and the extension of City services within the Sphere of Influence.

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[1] Lakeport General Plan, Introduction, Pg. I-3

The potential annexation of the South Main Street and Soda Bay Road area is described in the Urban Boundary Element. Policy UB 2.2 establishes an annexation priority list and indicates that annexations should be pursued based on the following priority system[2]:

1. Commercial and industrial land along South Main Street and Soda Bay Road.
2. Land designated as Specific Plan Area
3. Land within the southern, southwestern and western Sphere of Influence.

As noted above the City's highest annexation priority is along South Main Street and Soda Bay Road. To that end, the City has identified a proposed annexation area along the South Main Street corridor south of the existing City limit boundary.

The proposed annexation area is identified on a map included in the attached Draft Initial Study / Environmental Review. The area identified on the maps includes a total of 54 parcels and extends south from the current southern City limit boundary to the point where Soda Bay Road turns 90° to the east.

Other policies and programs set forth in the Urban Boundary Element which address annexation issues include:

> **Policy UB 3.3: Commercial and Industrial Annexations.** The City shall pursue the annexation of land within the Sphere of Influence that is currently used for commercial and industrial purposes.
>
> **Policy UB 4.2: Urban Services and Annexations.** Prior to annexation of residential land into the Lakeport City limits, it must be demonstrated that the full range of urban services including water, sewer, and storm drainage systems are in place and can sufficiently serve the area to be annexed.

A related program (Program UB 4.2-a) addresses annexation in the southern Sphere of Influence area and states that the City should "pursue annexation of commercial and industrial lands within the proposed southern SOI."[3]

The Urban Boundary Element describes the role of the Lake County Local Agency Formation Commission (LAFCO) with respect to annexation projects. Applications for annexation which will amend the City limit boundaries are submitted to LAFCO for review and approval. The Urban Boundary Element includes a description of the annexation application procedures and states that LAFCO prefers that annexation applications are initiated by Resolution of the City rather than by a petition from affected landowners or voters. The Resolution procedure is preferred for the following reasons:

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[2] Lakeport General Plan, Urban Boundary Element, Pg. III-5
[3] Ibid., Pg. III-6

1) It involves the City early in the process to assure that the City is supportive of the proposal, and

2) better integrates CEQA processing by the City as lead agency.[4]

The City of Lakeport is the lead agency with respect to the CEQA process and is currently working on the preparation of the application package which will be initiated via a City Council Resolution as recommended by LAFCO. Annexation projects are subject to the California Environmental Quality Act (CEQA), and a Draft Environmental Review / Initial Study of the proposal has been prepared. A Mitigated Negative Declaration has been recommended.

City staff is also working on the preparation of a formal project area map and legal description of the proposed annexation area. The map and legal description are required components of the LAFCO application package.

CEQA INITIAL STUDY: The CEQA guidelines require that an environmental review be conducted in conjunction with any project which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

a) An activity directly undertaken by any public agency.

b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from one or more public agencies.

c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.[5]

Both public and private projects are subject to environmental review. Some public projects like annexations, subdivision ordinance adoptions, general plan adoptions and amendments, and zoning ordinance adoptions and amendments are considered programmatic projects because they involve governmental decisions and actions that do not involve site-specific activities, such as grading and construction, which a private development project would have. The EIR prepared in conjunction with the City's 2009 General Plan is considered a program EIR according the CEQA guidelines. Section 15168 (a) of CEQA states that "a program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

1) Geographically,

2) A logical part in the chain of contemplated actions,

3) In connection with the issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program, or

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[4] Lakeport General Plan, Urban Boundary Element, Pg. III-3

[5] Section 21065, 2011 CEQA Statute and Guidelines

4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways."[6]

As described in the Annexation Proposal section of this staff report, the Lakeport General Plan contains discussion and related policies and programs concerning annexation of land in the South Main Street / Soda bay Road area into the City of Lakeport.

Although the future annexation of land was addressed in the General Plan EIR, CEQA requires additional environmental review for this specific annexation proposal.

CEQA Section 15168 (d) describes the manner in which a program EIR can be used with subsequent EIRs and Negative Declarations: "A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The program EIR can:

1) Provide the basis in an Initial Study for determining whether the later activity may have any significant effects.
2) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.
3) Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before."[7]

In ideal situations, the CEQA guidelines encourage agencies to work to combine environmental reviews so that they take the least time possible to prepare or so that a determination can be made that no new environmental review is necessary. Sometimes more than one CEQA document is needed because the subsequent project was not ready to be presented for review, there have been advances in science and technology, new information is available which makes the initial environmental document inadequate, or because there was a need to refine or amend the proposal.

The proposed South Main Street / Soda Bay Road annexation project is a programmatic type of project as it involves a proposal described in the Lakeport General Plan and EIR to change the jurisdictional boundary between the City of Lakeport and the County of Lake. An annexation will change which entity governs the area and will provide public services and utilities. There is no specific development proposal involved in this annexation, unlike, for example, a new bank building or large apartment project.

The Draft Initial Study / Environmental Review is attached to this document. Section 2.0 of the draft document includes a project description and Section 3.0 includes a detailed review of the CEQA environmental checklist. Potential environmental impacts associated with the annexation project are described.

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[6] 2011 CEQA Statute and Guidelines
[7] Ibid.

Potentially significant environmental impacts have been identified and mitigation measures have been developed to reduce the potential impacts to a less than significant level. A Mitigated Negative Declaration has been recommended.

Prior to the preparation of the Draft Initial Study, the City sent a 'request for review' form to various public agencies. Comments received are included and addressed in the draft document.

A Notice of Availability and Intent to Adopt a Mitigated Negative Declaration for the annexation project was combined with a Notice of a Land Use Application Public Hearing. The combined notice was properly posted and distributed in accordance with CEQA on August 30, 2011. The CEQA-mandated 30-day review period concluded on September 30, 2011.

CEQA requires that a Final Initial Study be prepared and considered by the public decision makers prior to taking action on a project. The Final Initial Study provides the Lead Agency (City) with an opportunity to respond to comments received on the Draft Initial Study / Environmental Review during the public review period and to incorporate any additions or revisions to the Draft document that are needed to clarify or supplement information contained in the Draft. This document includes the responses to comments received during the public review period.

The Draft Initial Study / Environmental Review and this staff report constitute the Final Initial Study / Environmental Review for the proposed annexation project.

The City of Lakeport received four comment letters during the 30-day review period which address the Draft Initial Study / Environmental Review:

1. Sierra Club Lake Croup (Letter 1, Attachment #2)
2. Lake County Land Trust (Letter 2, Attachment #3)
3. Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (Letter 3, Attachment #4)
4. Lake County Air Quality Management District (Letter 4, Attachment #5)
5. County of Lake, County Administrative Office (Letter 5, Attachment #6)

The following responses to the submitted letters are intended to supplement, clarify, or amend information provided in the Draft Initial Study / Environmental Review. Responses have been segregated (1A, 1B, etc.) when necessary to respond to different concerns outlined in an individual letter.

<u>Response to Letter 1 (Sierra Club Lake Group):</u>

1A: The tract of "prime" and "locally important" farmland referenced in the letter is located in the northeast portion of the project area. See Sections 3.2 a)

and 3.2 b) of the Draft Initial Study / Environmental Review for a detailed assessment.

The lands within the project area designated as Prime Farmland or Farmland of Local Importance are set amongst urban and commercial development and adjoin the current City limit boundary. According to CEQA, "an ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area."[8] The proximity of the existing urban/commercial development and the relatively small size of the areas of Prime Farmland or Farmland of Local Importance (approximately 75 acres) make the probability of long term sustained agriculture very low. Section 3.2 a) of the Draft Initial Study concludes that the potential conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance will result in a less than significant impact.

The submitted letter indicates the authors do not agree with the conclusion set forth in Section 3.2 a) and states "Even though the annexation in and of itself will not create a significant impact, it creates conditions that are guaranteed to reduce agricultural viability both inside and outside the annexation area." The authors state that the proposed annexation <u>will not</u> create a significant impact. Stated concerns regarding the "eventual conversion of this land to non-agricultural uses" and the future agricultural viability in and around the annexation area are speculative at this point. The mere annexation of land will not change the fact that the conditions which are of concern to the authors are in place now.

Concerns regarding the existence of a current Williamson Act contract are also noted in the submitted letter. The Draft Initial Study identifies potential conflicts with existing agricultural zoning or a Williamson Act contract and a mitigation measure (AGRI-1) has been recommended. A Williamson Act contract affects one parcel within the annexation area (APN 008-003-09) and it is important to note that the contract for this parcel expires in 2016.[9] This parcel has been prezoned Urban Reserve by the City and its General Plan land use designation is a combination of Urban Reserve (approximately 40%) and Open Space Parkland (approximately 60%). The Urban Reserve zoning district is a low density holding zone which allows agricultural accessory uses and structures. Agricultural uses including the keeping of livestock are allowed subject to the approval of a Zoning Permit.[10] The Urban Reserve and Open Space zoning districts are the primary zoning districts for agricultural uses in the City of Lakeport.

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[8] California Code of Regulations; Title 14, Article 5, Section 15064(b)

[9] Email correspondence; Bill Stockton, Associate Planner, County of Lake CDD; July 15, 2011.

[10] City of Lakeport Municipal Code, Sections 17.03.030 and 17.03.040

The City of Lakeport recognizes the importance of agriculture in our local community. In response to the concerns outlined in this letter and other submitted comments (Letters 2 and 5), the City points out that the Draft Initial Study (pg. 13) suggests that the parcel that is subject to a Williamson Act contract could be excluded from the annexation project if directed by LAFCO.

1B: The submitted letter expresses concerns about sensitive wetland areas within the annexation area. If the area is annexed, future development will be consistent with City General Plan and Zoning designations. The letter states that "urban densities and wetland preservation are inherently in conflict" and indicates that the annexation area is sensitive because it "borders the Big Valley wetlands." These wetlands are the "third-largest remaining segment of Clear Lake wetlands" according to the letter.

Section 3.4 of the Draft Initial Study addresses potential impacts to biological resources, including sensitive habitat areas. Section 3.4 b) discusses the potential for substantial adverse effects on riparian habitat or other sensitive natural communities. Section 3.4 c) specifically addresses potential adverse effects on federally protected wetlands. The Draft Initial Study states that future impacts on wetland habitat "cannot be known prior to submittal of improvement plans" tied to a specific development project. The City recognizes that future development within the annexation area has the potential to negatively impact wetland areas and has recommended a mitigation measure (MM BIO-3) which requires the submittal of a wetland delineation study and compliance with the wetland regulations enforced by the United States Army Corps of Engineers and the California Regional Water Quality Control Board. As stated in the Draft Initial Study, this mitigation measure is sufficient to ensure a less-than-significant impact related to the annexation.

It is also important to note that the Conservation Element of the City's General Plan addresses biological resources and includes Objective C1 which is intended to "conserve and enhance Lakeport's unique natural beauty and irreplaceable natural resources."[11] Related Policy C1.1 calls for the preservation of biological resources including "special habitat areas." Program C1.1-a calls for the enforcement of the City's Zoning Ordinance which includes specific shoreline development criteria. Section 17.18.070 of the Zoning Ordinance requires the submittal of a detailed shoreline development plan and Section 17.18.080 sets forth required findings necessary for approval, including findings that the project will "not negatively affect the long-term preservation of lands along the Clear Lake shoreline area" and will "not result in the unnecessary removal of wetland vegetation or riparian environment."

Another important consideration is that the eastern portion of the project area, including the portions which are in proximity to Manning Creek, are designated as Open Space Parkland according to the City's General Plan land use designation map.

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[11] City of Lakeport 2025 General Plan; Conservation Element; Page VII-9

1C: The submitted letter indicates that the proposed annexation project and its proximity to Manning Creek "raises concerns related to the Clear Lake hitch, which is a state-listed Species of Special Concern." Clear Lake hitch have been observed using Manning Creek as a spawning area in recent years according to the authors. The letter also states that "urban development bordering the creek would almost certainly result in the loss of this breeding territory."

As stated in the Draft Initial Study, the annexation of the project area into the City of Lakeport and the resulting jurisdictional boundary change will not directly result in any new development. Nevertheless, as described in Section 3.4 a) of the Draft Initial Study, there is potential for new construction and improvements subsequent to the annexation which may impact biological resources and habitat areas in the area. A mitigation measure (MM BIO-1) requires the submittal of a biological analysis prior to any proposed construction in order to determine if there are any special status species within and near the development site. Further mitigation is required if any sensitive species are found to be present.

The Draft Initial Study (Pg. 27) also describes existing State law which can provide additional protection for the Clear Lake hitch. The California Department of Fish and Game (CDFG) has jurisdiction over any proposed activities that would divert or obstruct the natural flow or change the bed, channel, or bank of any lake or stream. Private landowners or project developers must obtain a "Streambed Alteration Agreement" from the CDFG prior to any alteration of a lake bed, stream channel, or their banks. Through this agreement, the CDFG may impose conditions to limit and fully mitigate impacts on fish and wildlife resources.

Furthermore, the Conservation Element of the City's General Plan includes Policy C 8.1 related to water quality which requires stream and creek protection. The policy requires the preservation and protection of "streams and creeks in their natural state to the maximum extent feasible." The policy indicates that streams, creeks, etc. are considered to be in a natural state when they support their own environment of vegetation and wildlife and have not been concretized or channelized.[12]

The fact that the areas adjoining Manning Creek in the annexation project area are designated as Open Space Parkland according to the City's General Plan will also effectively reduce the potential negative impacts to the environment associated with the proposed annexation.

The proposed mitigation measure described above combined with existing local, state and federal laws and regulations will reduce the level of impact to biological resources in the annexation area, including the Clear Lake hitch, to a less than significant level.

[12] City of Lakeport 2025 General Plan; Conservation Element; Page VII-15

1D: The submitted letter suggests that the parcel subject to the Williamson Act contract is also the site of the sensitive wetland areas and that "exclusion of that parcel from the annexation area" would satisfy the stated concerns. The addition of wetland-preservation policies into the Draft Initial Study is also recommended.

Please refer to responses **1A, 1B**, and **1C** above. Proposed mitigation measures set forth in the Draft Initial Study and existing local, state and federal environmental policies adequately address the stated concerns regarding potential impacts to agricultural and biological resources.

Response to Letter 2 (Lake County Land Trust):

2A: The letter questions the less than significant impact conclusion set forth in Section 3.2 a) of the Draft Initial Study regarding the potential conversion of Prime Farmland or Farmland of Local Importance within the annexation area. This letter refers to the comments submitted by the Sierra Club Lake Group (Letter 1) which discuss the potential impacts to agricultural resources. Please refer to response **1A** set forth above which addresses these potential impacts and describes the proposed mitigation measure (AGRI-1) and other policies which will ensure a less than significant impact to agricultural resources in the annexation area. As noted, the parcel that is subject to a current Williamson Act contract could be excluded from the annexation project if directed by LAFCO.

2B: The submitted letter expresses concern about potential impacts to sensitive wetland areas. The letter states that the Lake County Land Trust is working towards protecting and preserving wetlands and riparian habitat areas in the project area. The letter suggests that future urban development within the annexation project area "likely will conflict with our efforts to protect the remaining unprotected wetlands on the shores of Clear Lake."

The letter from the Sierra Club Lake Group also describes concerns regarding potential impacts to wetland habitat areas resulting from the annexation. Please refer to response **1B** set forth above which addresses this issue. The recommended mitigation measure (MM BIO-3) will ensure a less-than-significant impact related to the annexation.

2C: The submitted letter states that the Draft Initial Study does not adequately address the potential impacts to agricultural and wetland/riparian resources and suggests a more extensive study such as an Environmental Impact Report.

Please refer to responses to Letters 1 and 2 above. As described, the proposed mitigation measures set forth in the Draft Initial Study and existing local, state and federal environmental policies adequately address the concerns regarding potential impacts to agricultural and biological resources. The presence of the Open Space Parkland land use designation in areas near Manning Creek and riparian habitat areas is also an important consideration. Potential negative impacts will be effectively mitigated to a less than significant level.

Response to Letter 3 (Governor's Office of Planning and Research, State Clearinghouse):

3A: This letter indicates that the Draft Initial Study / Environmental Review was properly submitted to the Clearinghouse and subsequently distributed to selected state agencies for review. The review period concluded on September 26, 2011, and no state agencies submitted any comments. The letter acknowledges that the City has "complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act."

No response to this letter is necessary as it indicates that no comments from any state agencies were received and that the City has complied with the State's review requirements.

Response to Letter 4 (Lake County Air Quality Management District):

4A: This letter notes the presence of serpentine rocks and/or soil within the project area and describes potential air quality impacts related to the presence of these materials. Other potential air-quality impacts associated with typical development activities are also described. The letter's conclusion states that the proposed annexation is not expected to result in significant air quality impacts and that "a mitigated negative declaration can be supported for air quality concerns."

This letter includes the exact same comments received from LCAQMD in July 2011. Please refer to Section 3.3 of the Draft Initial Study which addresses potential air quality impacts related to the proposed annexation and also incorporates the comments and recommendations submitted by the LCAQMD in July. No further response is warranted.

Response to Letter 5 (County of Lake, County Administrative Office)

5A: Section 15378 of the CEQA states, in part, that a "'project' means the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The City acknowledges that the proposed annexation of lands into the City of Lakeport is a project as defined in CEQA and that there are reasonably foreseeable indirect physical changes in the environment resulting from the proposed action. Therefore, in accordance with the CEQA guidelines, the City has prepared a Draft Initial Study of the project.

5B: The respondent has not provided any facts or documentation to support the contention that the environmental impacts associated with the annexation project are "cumulatively considerable" and that the project requires the preparation of an Environmental Impact Report (EIR). The City is not able to accurately speculate on any "probable future projects" that would result in a "cumulatively considerable" project impact.

CEQA Section 15064 (h)(2) states the following:

> *A lead agency may determine in an initial study that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. When a project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures set forth in a mitigated negative declaration, the initial study shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable.*[13]

The City's brief explanation is that the recommended mitigation measures will reduce potentially significant environmental impacts associated with the annexation project to a less than cumulatively considerable level. Mitigation measures related to Agriculture and Forestry Resources, Biological Resources, Cultural Resources, and Geology and Soils have been recommended. Implementation of these mitigation measures will reduce potentially significant impacts to a less than significant level as described in the Initial Study.

5C: CEQA Section 15064 (g) only applies in "marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment."[14] Furthermore, CEQA Section 15064 (f)(4) indicates that the "existence of public controversy over the environment effects of a project will not require the preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment."[15] The presentation of opinion or narrative does not represent substantial evidence.

5D: Please refer to Sections 3.1 a) and 3.1 b) of the Draft Initial Study. No designated scenic vistas are in the project area per the City and County General Plans and Highway 29 is not a state-designated scenic highway. Future development will be subject to project-specific environmental analyses and will be required to comply with the City's Architectural and Design Review criteria (Chapter 17.27, Lakeport Municipal Code).

Municipal Code Section 17.27.010 G. states that one of the purposes of the architectural and design review regulations is "to encourage excellence in design for all new development which harmonizes style, intensity, and type of construction with the natural environment and respect the unique features of each site and the surrounding area. Another similar purpose set forth in Section 17.27.010 H. of the Municipal Code is "to promote high quality design that enhances the entire community, is consistent with the scale and quality of existing development, and is harmoniously integrated with the natural environment."

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[13] 2011 CEQA Statute and Guidelines
[14] Ibid.
[15] Ibid.

5E: Please refer to response **1A** above which addresses the presence of prime agricultural land or land under a current Williamson Act contract within the proposed annexation area.

The Draft Initial Study acknowledges the potentially significant impacts the project could have an agricultural land, specifically the potential conflict with existing agricultural zoning or a Williamson Act contract. See Section 3.2 b) and the related mitigation measure (MM AGRI-1).

The fact that the annexation is related to the planned, orderly and efficient development of the project area is documented in the City's General Plan. The Lakeport General Plan's land use designations in the project area essentially mirror the urban development patterns that have been established and facilitated by the County of Lake in the past. With the exception of APN 008-003-09 (currently subject to a Williamson Act contract), the lands on the east side of South Main Street/Soda Bay Road in the project area have been approved for, or are zoned by the County of Lake to allow commercial development without any apparent consideration to the presence of Prime Farmland or Farmland of Local Importance.

5F: The Land Use Element of the Lakeport General Plan includes Objective LU 4 and related policies LU 4.1, LU 4.2, and LU 4.3 which are intended to "encourage and facilitate infill development which complements the character of Lakeport." Policies LU 4.2 and LU 4.3 discuss modifications to the City's regulations to promote infill residential development.

There is no evidence that the annexation of the South Main Street / Soda Bay Road area will contribute to additional "sprawling development" as suggested by the respondent. The annexation project area is generally consistent with the land use patterns approved by the County and is a logical continuation of the compact existing land use development pattern found in the City.

5G: In response to this comment City staff reviewed the California Natural Diversity Database[16] (CNDDB) and found that the following plant and animal species/habitats are known to be present in the United States Geological Survey's Lakeport quadrangle (common names as provided by the CNDDB):

- Double-crested cormorant
- Great blue heron
- Osprey
- Tricolored blackbird
- Clear Lake hitch
- Sacramento perch
- Pacific fisher
- American badger

[16] http://www.dfg.ca.gov/biogeodata/cnddb

- Coastal and Valley freshwater marsh
- Blennosperma vernal pool andrenid bee
- Colusa layia
- beaked tracyina
- bent-flowered fiddleneck
- serpentine cryptantha
- Mayacamas popcorn-flower
- watershield
- glandular western flax

As described in Section 3.4 of the Draft Initial Study, several mitigation measures (MM BIO-1, MM BIO-2 and MM BIO-3) have been recommended which require further professional (credentialed) analyses of biological resources in conjunction with future development projects. There is no evidence that the jurisdictional boundary change associated with the proposed annexation will have a substantial adverse impact on biological resources.

It is important to note that the California Department of Fish and Game (DFG) had the opportunity to review the Draft Initial Study during the public review period and no comments were received. The DFG is the public agency responsible for enforcement of the California Endangered Species Act and other laws and regulations pertaining to the protection of plant and wildlife species.

5H: Please refer to Section 3.5 of the Draft Initial Study and mitigation measures MM CULT-1, MM CULT-2 and MM CULT-3. As described, notice of the project was provided to the Northwest Information Center (NWIC) of the Historical Resources information System which is affiliated with the State of California Office of Historic Preservation (OHP). This Information Center manages historical resources records, reports, and maps; provides historical resources information to the private and public sector; and also provides educational support and information about historical resources in California. The NWIC provided several recommendations, including the need for further archeological site surveys "prior to the commencement of project activities." The proposed annexation project will not result in any direct physical changes in the project area. The proposed mitigation measures related to Cultural Resources require additional site-specific analyses in conjunction with actual development projects. Additional mitigation measures will be imposed in the future based on the results of these analyses.

The City of Lakeport has a long and successful history of requiring mitigation measures to reduce impacts to Cultural Resources resulting from development projects to a less than significant level. A recent example is the Savings Bank of Mendocino County project which is currently under construction on South Main Street. The mitigation measure imposed on the bank project is as follows:

- The applicant/owner/developer shall retain a registered archaeologist who shall monitor the grading, excavation and trenching activities associated with the development of the project. If any buried historic or prehistoric cultural deposits are encountered on the subject site, the applicant/owner/developer or on-site contractors shall cease all construction activity and immediately notify the Lakeport Community Development Department. Adequate mitigation in accordance with the California Environmental Quality Act shall be provided as recommended by the project archaeologist. If human remains are encountered, construction shall be halted, and the County Coroner shall be contacted. If the remains are determined to be Native American, the Coroner will contact the Native American Heritage Commission who will then identify the person or persons believed to be the most likely descendants from the deceased Native American. The most likely descendant then makes a recommendation regarding the treatment of the remains with appropriate dignity.[17]

The mitigation measure was needed because the City, as part of the project review, required the preparation of a detailed cultural resource evaluation prepared by a credentialed archeologist who identified the possible presence of historic or prehistoric cultural resources on the project site. The City enforced the implementation of this mitigation measure and an archeologist was present during the trenching and excavation activities. Notable Native American artifacts were discovered by the archeologist during the construction period and they were properly handled and processed in accordance with California law.

It is impractical to assert that the City should be responsible for conducting site – specific analyses of individual parcels in conjunction with an annexation proposal not involving any site disturbances.

The local Native American tribe (Big Valley Band of Pomo Indians) was provided with a Request for Review of the proposed annexation project and no comments or concerns were submitted.

5I: There is no evidence that the proposed annexation will result in a "sprawling development pattern" beyond the current urban development pattern that has been permitted by the County of Lake.

The Lake County Air Quality Management District (LCAQMD) is responsible for the management of air pollutant emissions in Lake County, including the City of Lakeport. The District regulates air quality through its permit authority for most types of stationary emission sources, and through its planning and review activities for other sources. The LCAQMD reviewed the proposed annexation project and the Draft Initial Study and submitted a response (Letter 4) indicating

[17] Staff Report & MND, Savings Bank of Mendocino County, File AR 10-01/ARC 10-01/ER 10-01

that the proposed annexation "would not be expected to result in significant air quality impacts and a mitigated negative declaration can be supported for air quality concerns."

The Greenhouse Gas Emissions analysis included in Section 3.7 of the Draft Initial Study satisfies the CEQA review requirements.

5J: Section 3.8 of the Draft Initial Study adequately addresses potentially significant Hydrology and Water Quality impacts. Response 3.8 a) lists the standard Best Management Practices (BMPs) and mitigation measures that are imposed on new development projects. These requirements adequately address the concerns stated by the respondent.

5K: Please refer to Section 3.9 of the Draft Initial Study which addresses potential environmental impacts associated with Land Use and Planning. Each question in the CEQA checklist was adequately addressed.

The submitted comments regarding Land Use and Planning, specifically the correlation between population growth and the "demand for commercial and other services", do not relate to the CEQA checklist questions and therefore have not been addressed in the Initial Study.

The proposed annexation project will not result in a conflict with the County's land use plan for the parcel that is designated as Agricultural due to the fact that the City's General Plan designation of Open Space Parkland and Urban Reserve along with the City's prezoning allows the continued operation of existing agricultural uses as well as the establishment of new agricultural uses.

The City's General Plan was adopted in 2009 and includes many references to the annexation of the project area. Given the relatively recent adoption of the Lakeport General Plan, no updates or new analyses, as recommended by the respondent, are warranted at this time.

5L: No factual evidence is presented that would indicate there is a significant difference in existing County land use designations and the proposed City designations and related development potential that would impact Level of Service thresholds. The South Main Street/Soda Bay Road widening project is designed to increase roadway capacity which will improve Levels of Service in the project area.

5M: As described in Section 3.13 (Public Services) of the Draft Initial Study, there is inadequate infrastructure in the project area; most significant is the lack of a municipal water supply.

5N: The Initial Study prepared by the City of Lakeport is adequate in its analysis of all potential environmental effects associated with the proposed annexation of approximately 197 acres into the City of Lakeport. This determination is based on the factual information contained in the Initial Study and the implementation

of mitigation measures which are designed to reduce all identified potentially significant impacts to a less than significant level.

Section 3 of the Draft Initial Study contains the CEQA checklist and a discussion of potential impacts associated with the proposed annexation project. This document was completed in accordance with the CEQA requirements. Potentially significant impacts to Agriculture and Forestry Resources, Biological Resources, Cultural Resources, and Geology and Soils have been identified and can be mitigated to a less than significant level as described in the analysis.

The conclusion of the Draft Initial Study states "that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A mitigated negative declaration will be prepared."

The project revisions referred to above are the proposed mitigation measures set forth in the Initial Study:

PROPOSED MITIGATION MEASURES:

MM AGRI-1 Subsequent to the annexation of the project area into the City of Lakeport, the City shall catalog all active agricultural activities in the project area. All legal and permitted agricultural activities that are active at the time of annexation shall be recognized by the City of Lakeport as legal activities.

Timing/Implementation: *Subsequent to the annexation of the project area.*

Enforcement/Monitoring: *City of Lakeport*

MM BIO-1 Prior to any proposed construction, a biological analysis will be conducted by a qualified biologist to determine the presence of any special status species within and near the development site. If any are found to be present, a detailed mitigation plan which describes the specific methods to be implemented to avoid and/or mitigate any project impacts upon special status species shall be prepared by a qualified biologist. This detailed Special Status Species Avoidance/Mitigation Plan shall be prepared in consultation with the appropriate agency, and shall emphasize a multi-species approach to the maximum extent possible.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: City of Lakeport

MM BIO-2 If construction is expected to occur during the typical nesting season (February-August), the developer shall retain a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur on the project site. The survey shall be conducted no more than 30 days prior to ground disturbance at the site.

If there is any lapse in construction activities, and construction resumes during the nesting season, new surveys shall be conducted within 30 days of the re-initiation of construction activities.

If nesting birds are found, a buffer shall be established around the active nest in which project activity ingress will be prohibited, thus ensuring nesting species are avoided and allowed to complete their nesting cycle. Exclusionary fencing shall be established outside the proposed project footprint to prohibit project activity ingress. All required buffers shall be shown on construction plans. If construction activities are proposed to occur during non-breeding season (September-January), a survey is not required and no further studies are necessary.

Timing/Implementation: Prior to approval of any grading or improvement plans or any site disturbance.

Enforcement/Monitoring: City of Lakeport

MM BIO-3 For all proposed future land use changes in areas known or presumed to have jurisdictional waters, the future project applicant shall submit a formal wetlands delineation to the U.S. Army Corps of Engineers, in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual, 1987, in order to help determine if wetlands and other waters of the U.S. defined by Section 404 of the Clean Water Act occur with the project study area.

Prior to beginning construction, the developer will obtain all necessary permits from the appropriate resource agencies. These permits may include:

- §401 Water Quality Certification Agreement – California Regional Water Quality Control Board
- §Section 404 Permit – United States Army Corps of Engineers

Timing/Implementation: *Prior to approval of any discretionary permits for site disturbance or improvement.*

Enforcement/Monitoring: *City of Lakeport*

MM CULT-1 For all proposed future land use changes in areas known or presumed to have archaeological or historical resources, the future project applicant shall retain a registered archaeologist who shall conduct a site survey and prepare a report in accordance with the California Environmental Quality Act. If necessary, a mitigation plan shall be prepared to mitigate any adverse effect resulting from the project. Said report shall be submitted to the City of Lakeport for review and approval prior to the issuance of a construction permit. All recommendations or mitigation measures set forth in the archaeologist's report shall be implemented by the developer. The developer shall immediately cease all development activities in the event that historical, archeological, paleontological or cultural resources are uncovered during the development of the site. If such resources are discovered, a subsequent study and mitigation plan shall be prepared by a registered archeologist and implemented by the developer prior to the recommencement of construction.

MM CULT-2 Prior to the approval of demolition or building permits in the project area that would result in substantial alteration of any buildings/structures that are 45 years in age or older, the City shall ensure that an evaluation of significance per California Register of Historical Resources (CRHR) criteria will be performed. If the evaluation indicates the property is not eligible for listing in the CRHR, no further action is necessary. If any of these buildings are found to be eligible for listing in the CRHR in conjunction with future evaluations, the City shall ensure that the proposed development is consistent with the guidelines established by the State Office of Historic Preservation.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: *City of Lakeport*

MM CULT-3 In the event that human burials or remains are encountered during site activities all work shall cease within 100 feet of the find, and the Lake County Coroner and City of Lakeport shall be contacted immediately along with a representative of the Big Valley Rancheria Band of Pomo Indians. In the event

remains are encountered and are determined to be of Native American descent, the project proponent, County Coroner, and representative of the Big Valley Rancheria Band of Pomo Indians shall adhere to Health and Safety Code Section 7050.5, Public Resources Code Section 5097.94 et seq., and Section 15064.5(d) of the CEQA Guidelines.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: *City of Lakeport*

MM GEO-1 Prior to any proposed construction, project applicants shall conduct subsurface investigations as appropriate, and incorporate appropriate UBC foundation design criteria and conform to applicable building codes so that structures and facilities can withstand the various ground-moving forces which could impact the proposed project.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: *City of Lakeport*

MM GEO-2 Prior to any proposed construction, project applicants shall conduct subsurface investigations as appropriate, and utilize only fill materials which do not have the potential to induce, support, or have a high risk of liquefaction during a geologic event.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: *City of Lakeport*

CONCLUSION AND RECOMMENDATION: Based on the findings contained in the CEQA Initial Study, staff recommends that the Planning Commission recommend to the City Council the adoption of a Mitigated Negative Declaration for the proposed South Main Street and Soda Bay Road annexation project.

SAMPLE MOTION:

Move that the Planning Commission recommend that the Lakeport City Council adopt a Mitigated Negative Declaration for the proposed South

Main Street and Soda Bay Road annexation project. This recommendation is based on the facts presented in the CEQA Initial Study for the annexation project and the finding that the significant environmental impacts that have been identified are mitigated by the mitigation measures to a less than significant level.

Further move that the Planning Commission recommend to the Lakeport City Council that the CEQA Initial Study and the Mitigated Negative Declaration be forwarded to the Lake County / City Local Agency Formation Commission as part of a formal annexation application package.

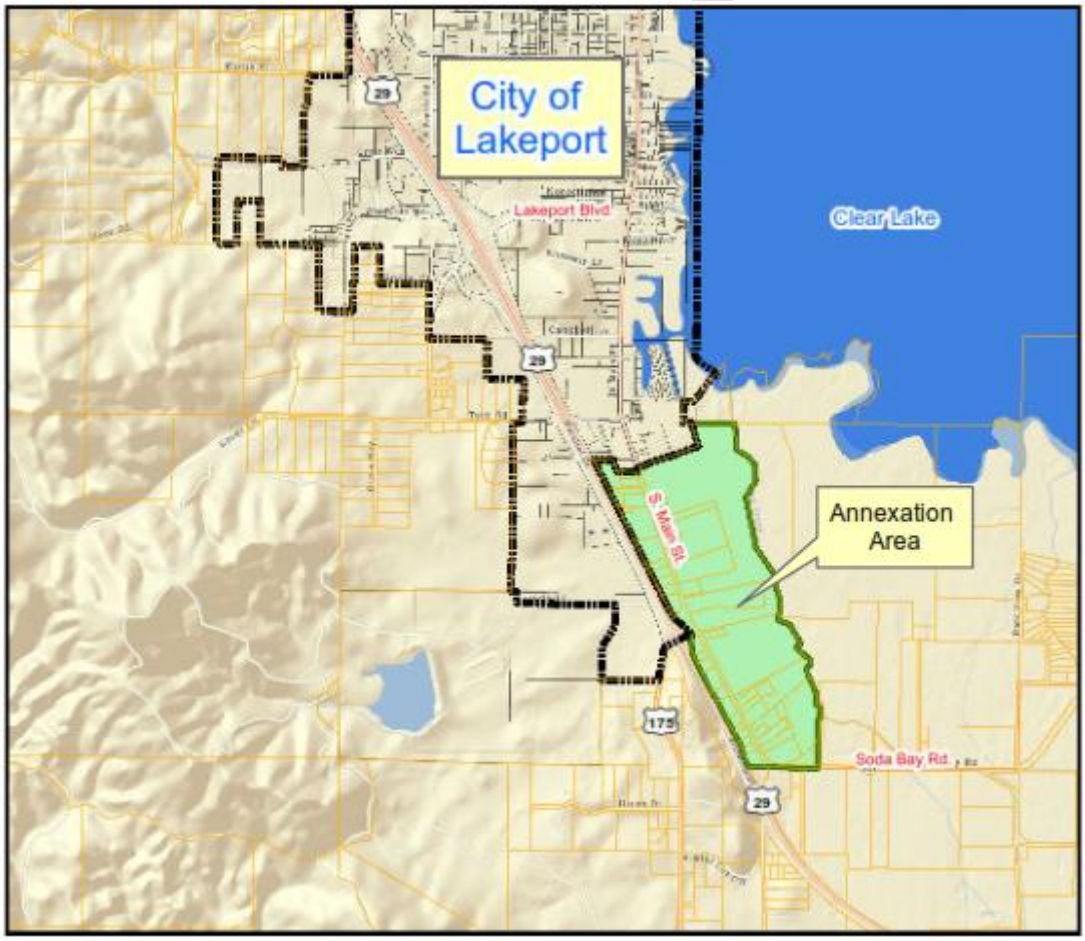
Attachments

Attachment #1

CITY OF LAKEPORT

SOUTH MAIN STREET & SODA BAY ROAD ANNEXATION PROJECT

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION



August 2011

1.1 INTRODUCTION AND REGULATORY GUIDANCE

This document is an Initial Study/Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) for the proposed South Main Street-Soda Bay Road Annexation ("Project" or "project"). An initial study is conducted by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the CEQA Guidelines, Section 15064, an environmental impact report (EIR) must be prepared if the initial study indicates that the proposed project under review may have a potentially significant impact on the environment. A negative declaration may be prepared instead, if the lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment, and, therefore, why it does not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

a) *The initial study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or*

b) *The initial study identified potentially significant effects, but:*

   (1) *Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*

   (2) *There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.*

If revisions are adopted into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a mitigated negative declaration is prepared.

1.2 LEAD AGENCY

The lead agency is the public agency with primary responsibility over a proposed project. Where two or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with CEQA Guidelines Section 15051(b) (1), "the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose." When pre-zoning is proposed as part of an annexation request, the City is deemed the lead agency for CEQA purposes (Section 15051 of the CEQA Guidelines). As lead agency, it will be responsible for preparing the necessary environmental document. Based on these criteria, the City of Lakeport will serve as lead agency for the proposed project.

1.3 PURPOSE AND DOCUMENT ORGANIZATION

The purpose of this Initial Study/Mitigated Negative Declaration is to evaluate the potential environmental impacts of the proposed project.

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This document is divided into the following sections:

1.0 Introduction - Provides an introduction and describes the purpose and organization of this document;

2.0 Project Description - Provides a detailed description of the proposed project;

3.0 CEQA Initial Study Checklist - Impacts and Mitigation Measures - Describes the environmental setting for each of the environmental subject areas, evaluates a range of impacts classified as "no impact," "less than significant," "potentially significant unless mitigation incorporated," or "potentially significant" in response to the CEQA environmental checklist, and provides mitigation measures, where appropriate, to mitigate potentially significant impacts to a less than significant level; a determination follows the analysis concluding the environmental impact of the project.

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The City of Lakeport proposes to annex approximately 197 acres of land located adjacent to and south of the existing City limits of Lakeport.

2.1 PROJECT LOCATION

The proposed annexation area involves 197 acres of partially developed privately held land. The project site is located to the south of the existing City limits along the South Main Street-Soda Bay Road corridor.

The annexation project area includes existing urbanized, developed and undeveloped land on both sides of South Main Street-Soda Bay Road. The majority of land on the west side of South Main Street is developed except for a parcel fronting on Highway 29 in the northeast corner of the annexation project area. The east side of South Main Street is partially developed with commercial uses; however, there are also large vacant parcels. Both sides of the Soda Bay Road area include developed and undeveloped parcels.

The majority of existing development is commercial or light industrial in character, however there are a few scattered residential uses as well. The annexation project area is designated by the Lakeport General Plan with a mix of commercial, urban reserve, resort-residential and industrial uses. See **Figure 8** in the Land Use and Planning section of the Initial Study checklist for a map of the General Plan land use designations.

2.2 PROJECT PURPOSE AND OBJECTIVES

The purpose of the Project is to annex lands into the City that have been developed without the full range of urban services in order to comply with General Plan policies and ensure the public's health and safety. Future development of the area is anticipated, consistent with the General Plan densities and land uses found elsewhere in the City. Pre-zoning the annexation area is a requirement for annexations and the pre-zoning must be consistent with the City's General Plan in order to meet the policies of Lake Local Agency Formation Commission (LAFCO). The City has pre-zoned the area consistent with the General Plan. Environmental Review in accordance with CEQA will be required for those future development projects.

2.3 PROJECT CHARACTERISTICS

The annexation project does not involve any direct development-related impacts to the land. Annexation of the area involves a change of boundary lines which would transfer governmental jurisdiction to the City of Lakeport. It is anticipated that the annexation would be followed, at some point in the future, by applications for land use entitlements and improvements of the land with commercial, resort residential or industrial structures and uses, consistent with General Plan designations and pre-zoning.

The annexation area is shown in **Figure 1** and the current pre-zoning is shown in **Figure 2.**

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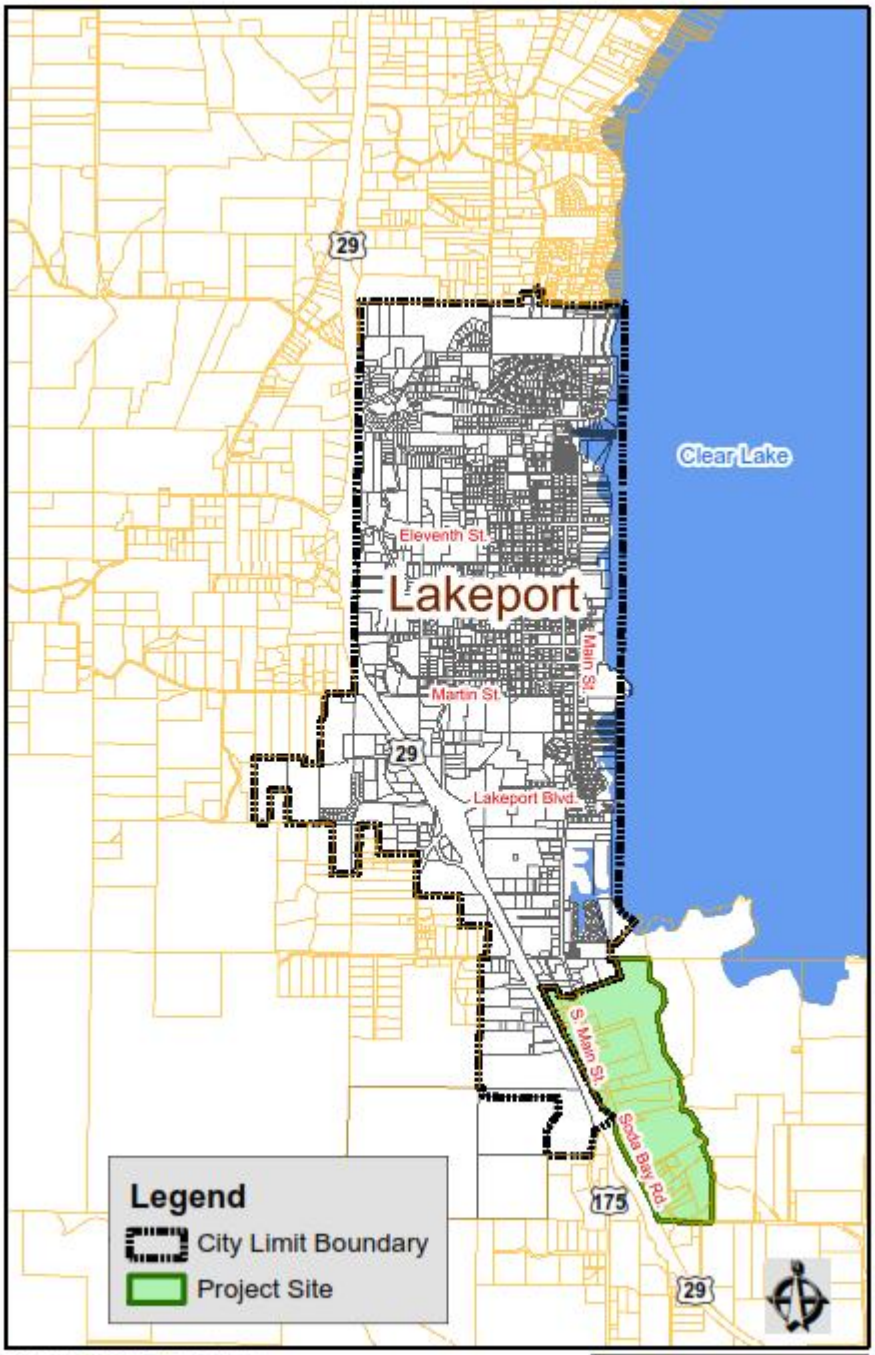
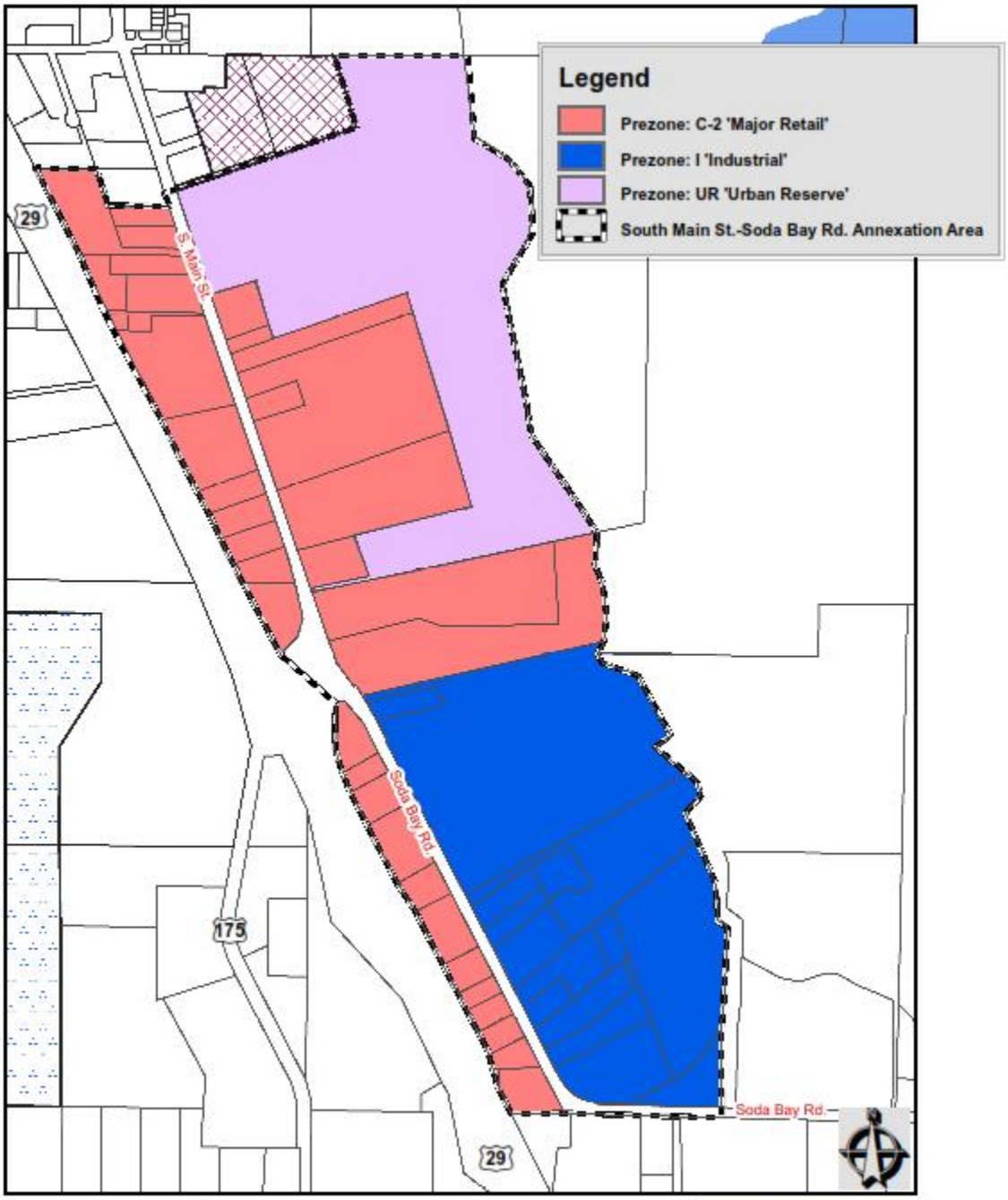


Map Prepared by City of Lakeport
CommunityDevelopment Department

FIGURE 1
PROJECT LOCATION MAP



Map Prepared by City of Lakeport
Community Development Department

FIGURE 2
EXISTING PREZONING
DESIGNATIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.1	**AESTHETICS** Would the project:				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

ENVIRONMENTAL SETTING

The annexation project area is located along the South Main Street-Soda Bay Road corridor to the south of the existing City limit boundary. The proposed annexation area lies to the east of State Highway 29 and includes land on the east and west sides of the South Main Street-Soda Bay Road corridor.

Highway 29 in the vicinity of the project area is eligible for consideration as a State Scenic Highway but is not officially designated as such according to the State of California. The Lake County General Plan and the City of Lakeport General Plan do not identify any scenic resources in this area.

The annexation project area is generally flat in the street corridor area but also includes some hilly and gently sloping land in the southwest portion near Highway 29. Various types of vegetation are present including trees, shrubbery, grasslands and urban landscape. Visual elements within the immediate area include commercial structures and parking areas, a limited number of private residences, pole signs, utility poles and lines, and both native and non-native vegetation.

The project area includes existing urbanized and developed land on both sides of South Main Street-Soda Bay Road. The majority of land on the west side of South Main Street is developed. The east side of South Main Street is partially developed with commercial uses, however, there are also large vacant parcels, one of which is used for cattle grazing. The Soda Bay Road area within the project boundaries includes developed and undeveloped parcels.

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DISCUSSION OF IMPACTS

a) *Would the project have a substantial adverse effect on a scenic vista?*

No Impact. The City of Lakeport General Plan does not designate a scenic vista or identify any scenic resources in the project area.[1] Similarly, the Lake County General Plan does not identify any scenic resources within the proposed annexation area.[2] The scenic value of this roadway lies in its views of Clear Lake, to the east of the highway. The proposed annexation area is also located east of the highway. However, the area's topography and existing improvements effectively limit views of the Lake from the highway. No land use changes are proposed which would negatively impact views of the lake from this area. The potential for adverse impact associated with the proposed annexation is very limited and the no impact is anticipated.

b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

No Impact. The project site is not located within the vicinity of a state scenic highway. The California Department of Transportation (Caltrans) designates and lists all state scenic highways and indicates this portion of Highway 29 is eligible for consideration as a scenic highway but is not officially designated as such according to the Caltrans website (http://www.dot.ca.gov/hq/LandArch/scenic/cahisys2.htm).

The proposed project would not have a substantial adverse affect on any scenic resources. No impact has been identified.

c) *Would the project substantially degrade the existing visual character or quality of the site and its surroundings?*

Less than Significant. The proposed project consists of the annexation of approximately 197 acres to the City of Lakeport. The annexation of the land will change the land use authority and the providers of urban services to the City. Services provided by Special Districts in Lake County would be affected by the change as the City would assume responsibility for said services. The potential development of property within the annexation area will be subject to the General Plan and Zoning designations set forth in the Lakeport General Plan and Municipal Code, which will allow for commercial and industrial development. With limited exceptions, this type of development is consistent with the surrounding land uses and would not constitute a significant change in the visual character or quality of the project area and its surroundings. The impact is considered less than significant.

d) *Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

Less than Significant. The annexation project would not introduce substantial new sources of light and glare, or adversely affect day or nighttime views in the project area. The project may facilitate commercial development within the area, and thus create new sources of light, including street lighting, interior and exterior business lighting, and miscellaneous sources such as automobile headlights. Those future development impacts will be specifically addressed in subsequent CEQA analyses. Furthermore, the

[1] Lakeport General Plan, Figure 16, Environmentally Sensitive Areas
[2] Email correspondence; Kevin Ingram, Senior Planner, County of Lake CDD; July 13, 2011

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City of Lakeport Municipal Code includes criteria designed to reduce impacts related to light and glare resulting from new development projects.

Sources of light are found within the project site currently, as well as on surrounding properties. Notable light sources exist in the vicinity of the project site, including Highway 29 and on commercial properties on South Main Street and Soda Bay Road. The existing lighting in this area does not adversely affect views. The impact is less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.2 AGRICULTURE AND FORESTRY RESOURCES In determining whether impact to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impact to forest resources, including timberland are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☒	☐	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

REGULATORY SETTING

The Cortese-Knox-Hertzberg Local Government Reorganization Act (2000) is the framework within which proposed city annexations, incorporations, consolidations, and special district formations are considered. This law establishes a Local Agency Formation Commission (LAFCO) in each county, empowering it to review, approve or deny proposals for boundary changes and incorporations for cities, counties, and special districts. The Act mandates specific factors which the LAFCO must address when considering annexation proposals. The LAFCO in turn establishes the ground rules by which the affected city will process the annexation. Each LAFCO is made up of elected officials from the county, local cities, special districts, and a member of the general public.

Section 56064 of the Cortese-Knox-Hertzberg Act sets forth the definition of prime agricultural land. "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre.

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(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars ($400) per acre for three of the previous five calendar years.

Government Code Section: 56377

In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the (LAFCO) commission must consider all of the following policies and priorities:

(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, *unless that action would not promote the planned, orderly, efficient development of an area. (emphasis added)*

(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.

ENVIRONMENTAL SETTING

The project area is characterized by mixed commercial development, a limited number of residential uses, and pastures used for cattle grazing activities. Several parcels are vacant without any improvements. There are eight primary soil types within the annexation area. They are Clear Lake clay, drained, cool (121); Cole variant clay loam (124); Cole variant clay loam, calcareous substratum (125); Henneke-Montara complex, 8-15% slopes (141); Henneke-Montara-Rock outcrop complex, 15-50% slope (142); Manzanita loam, 15-25% slopes (161); Still loam, stratified substratum (233); Still gravelly loam (234); and Talmage very gravelly sandy loam (237). Five of these soil types meet the criteria for soil units of prime farmland, as outlined in the U.S. Department of Agriculture's Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance (Lake County)[3]: Clear Lake clay, drained, cool (121); Cole variant clay loam (124); Cole variant clay loam, calcareous substratum (125); Still loam, stratified substratum (233); and Still gravelly loam (234).

DISCUSSION OF IMPACTS

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Less than Significant. The site contains areas of soils which are classified by the California Resources Agency's Department of Conservation as Prime Farmland. Other areas within the project boundary are identified as Farmland of Local Importance. These areas are shown on **Figure 3**.

[3] California Dept. of Conservation; Farmland Mapping & Monitoring Program; July 13, 1995 & Updated June 29, 2010 http://www.conservation.ca.gov/dlrp/fmmp/pubs/soils/Documents/LAKE_ssurgo.pdf

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Prime Farmland is land which has the best combination of physical and chemical characteristics for the production of crops. Prime Farmland must have been used for the production of irrigated crops for the last three years.[4]

Most of the area identified as Prime Farmland is currently used for cattle grazing. Staff is not aware of any agricultural activities involving the production of irrigated crops in the last three years on any lands designated as Prime Farmland within the project area.

According to CEQA, "an ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area."[5] In this case, the lands within the project area designated as Prime Farmland or Farmland of Local Importance are set amongst urban and commercial development. The State's Important Farmland Map (**Figure 3**) identifies "Urban and Built-Up Land" adjacent to the west and south sides of these areas. The proximity of the existing urban/commercial development and the relatively small size of the areas of Prime Farmland or Farmland of Local Importance (approximately 75 acres) make the probability of long term sustained agriculture very low.

The proposed project will change the land use authority over the area, including these agricultural lands, from Lake County to the City of Lakeport, and will ease their transition into eventual urban development. The lands are within the Sphere of Influence of the City of Lakeport, and are thus considered logical and orderly growth areas for the City.

None of the lands within the project area are classified as Farmland of Statewide Importance according to the Department of Conservation. The majority of the lands within the project area are considered Urban and Built-Up Land.

Despite the potential impact to areas currently designated as Prime Farmland, the annexation project will promote planned, orderly and efficient development as the project area is a logical extension of the current City limit boundaries.

Consistent with the requirement that LAFCO review the proposed annexation request pursuant to the criteria outlined in Government Code Section 56337 (cited above) as it relates to the conversion of existing open-space lands, the following findings can be used in support of the annexation request:

1. Lands within the annexation area are planned for urban uses in the City of Lakeport General Plan.
2. The project proposes an orderly and logical boundary for annexation and is contiguous to the City limits.
3. The project creates a logical extension of the City boundaries and can be served by existing or proposed infrastructure.

Annexation of the project area into the City of Lakeport and the resulting jurisdictional boundary change will not directly convert any active farmland to non-farming uses. The impact to agricultural resources is considered less than significant. No mitigation is required.

[4] City of Lakeport 2025 General Plan; Appendix A, Glossary
[5] California Code of Regulations; Title 14, Article 5, Section 15064(b)

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b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Less than Significant with Mitigation. The project area is designated in the Lakeport General Plan as Major Retail, Industrial, Resort Residential, Urban Reserve, and Open Space/Parkland. Existing prezoning for the area is generally consistent with the General Plan designations, including an Urban Reserve prezoning designation for a parcel that is currently subject to a Williamson Act contract (APN 008-003-09). According to the County of Lake, the Williamson Act contact for this parcel expires in 2016.[6]

The main purposes of the Williamson Act are to preserve agricultural land to encourage open space preservation and efficient urban growth. A Williamson Act contract provides incentives to landowners through reduced property taxes to deter the early conversion of agricultural and open space lands to other uses.

The Urban Reserve zoning district allows agricultural accessory uses and structures. Agricultural uses including the keeping of livestock are allowed subject to the approval of a Zoning Permit.[7] No other parcels within the project area are subject to a current Williamson Act contract.

Impacts to existing agricultural zoning and agricultural uses, including Williamson Act contracts, are considered less than significant with mitigation. The following mitigation measure is recommended:

MM AGRI-1 *Subsequent to the annexation of the project area into the City of Lakeport, the City shall catalog all active agricultural activities in the project area. All legal and permitted agricultural activities that are active at the time of annexation shall be recognized by the City of Lakeport as legal activities.*

A possible alternative is that LAFCO can choose to exclude the parcel that is subject to a Williamson Act contract from the annexation project.

c) *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

No impact. The proposed annexation project will not conflict with or cause the rezoning of any forest land, timberland, or timberland zoned for Timberland Production. No land within the project area is zoned for forest or timberland uses according to the County of Lake.

d) *Would the project* result in the loss of forest land or conversion of forest land to non-forest use?

No impact. See response 3.2 c) above.

e) *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

[6] Email correspondence; Bill Stockton, Associate Planner, County of Lake CDD; July 15, 2011.
[7] City of Lakeport Municipal Code, Sections 17.03.030 and 17.03.040

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Less than Significant. Refer to discussion under Sections 3.2 a), b) and c) above. The annexation project would not result in conversion of active farmland to a non-agricultural use or the conversion of forest land to a non-forest use. The annexation of the site could facilitate development on individual sites, which increases development pressures on other properties in the area, including those that may be in current agricultural use. However, the area's prezoning and the recommended mitigation measure (see 3.2 b)) will allow for the continuation of existing agricultural activities. The future conversion of lands to non-agricultural use would require subsequent consideration and approval by the City, at which time the full impact of such a change would be considered.

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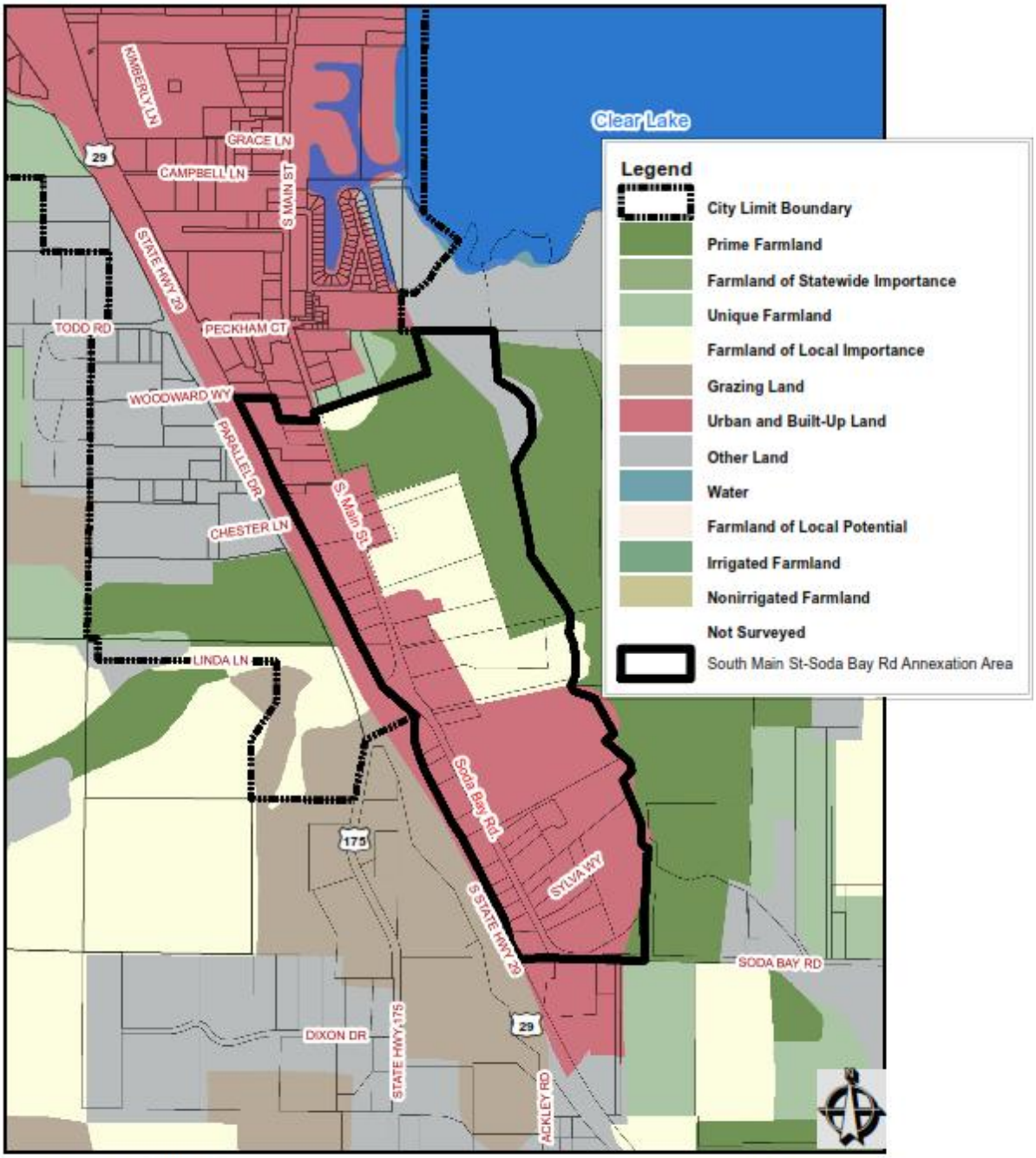

Map Prepared by City of Lakeport
Community Development Department
July 2011

DATA SOURCES:
CA DEPT. OF CONSERVATION;
FARMLAND MAPPING & MONITORING PROGRAM
COUNTY OF LAKE GIS DEPARTMENT

FIGURE 3
LAKE COUNTY
IMPORTANT FARMLAND MAP

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.3	**AIR QUALITY** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e)	Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

ENVIRONMENTAL SETTING

REGIONAL SETTING

The project is located within the Lake County Air Quality Management District (LCAQMD), which covers all of Lake County.

Ozone, which is classified as a "regional" pollutant, often afflicts areas downwind of the original source of precursor emissions. Because of its location, Lake County does not receive significant amounts of ozone from surrounding areas. Ozone precursor transport depends on daily meteorological conditions such as wind speed and air temperature.

Other primary pollutants, CO, for example, may form high concentrations when wind speed is low. Cold temperatures and calm conditions increase the likelihood of a climate conducive to high, localized CO concentrations.

The Lake County Air Basin is currently the only air basin in California to be classified as an attainment zone for all federal and state air pollutants.

Air Pollution Sources and Current Air Quality

The LCAQMD is responsible for the management of air pollutant emissions in Lake County, including the City of Lakeport. The District regulates air quality through its permit authority for

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most types of stationary emission sources, and through its planning and review activities for other sources.

Federal and California ambient air quality standards have been established for the following five critical pollutants: nitrogen dioxide, sulfur dioxide, particulate matter, carbon monoxide, and ozone. Ozone pollution is the most conspicuous type of air pollution, and is often characterized by visibility-reducing haze, eye irritation, and high oxidant concentrations (i.e., "smog").

Particulate matter is a pollutant of concern in California, including Lake County. Particulate matter less than 10 microns in diameter, commonly called PM_{10}, and less than 2.5 microns in diameter, commonly called $PM_{2.5}$, refers to substances that can be inhaled into lungs and can potentially cause serious health problems. Common particulate matter sources include construction and demolition activities, agricultural operations, burning, and traffic.

In general, there are five major sources of air pollutant emissions in the air basin: motor vehicles, industrial plants, agricultural activities, construction activities, and residential burning activities. It is motor vehicles that account for a significant portion of regional gaseous and particulate emissions. Local employers, such as industrial plants, can also generate substantial regional gaseous and particulate emissions. In addition, construction, agricultural activities, and the burning of wood in fireplaces for residential heat can generate significant temporary gaseous and particulate emissions (dust, ash, smoke, etc.).

Applicable Federal and State standards for each regulated pollution category are provided in **Table 3.3-1**. The applicable standard for each pollution category, for environmental documentation purposes (i.e., identification of significant impacts), is whichever are the more stringent of the Federal or State standards. Based on existing monitoring data located nearest the project site, the entire Lake County Air Basin is an attainment area for each of the pollutants.

TABLE 3.3-1
FEDERAL AND STATE AIR QUALITY STANDARDS

Pollutant	Averaging Time	Federal Standard	State Standard
Ozone	1-Hour	----	0.09 ppm
	8-Hour	0.075 ppm	0.070 ppm
Carbon Monoxide	1-Hour	35.0 ppm	20.0 ppm
	8-Hour	9.0 ppm	9.0 ppm
Nitrogen Dioxide	Annual	0.053 ppm	0.030 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide	Annual	0.03 ppm	--
	24-Hour	0.14 ppm	0.04 ppm
	1-Hour	---	0.25 ppm
PM 10	Annual	---	20 $\mu g/m^3$
	24-Hour	150 $\mu g/m^3$	50 $\mu g/m^3$

Pollutant	Averaging Time	Federal Standard	State Standard
PM 2.5	Annual	15 μg/m^3	12 μg/m^3
	24-Hour	35 μg/m^3	--
Lead	30-Day Avg. Calendar Qtr. Arithmetic Mean	-- 1.5 μg/m^3	1.5 μg/m^3 --

ppm = parts per million
μg/m^3 = Micrograms per Cubic Meter
Sources: California Air Resources Board, 2011 http://www.arb.ca.gov/research/aaqs/caaqs/caaqs.htm;
U.S. Environmental Protection Agency, 2011 http://www.epa.gov/air/criteria.html

Ozone Emissions
Ozone can cause eye irritation and impair respiratory functions. Accumulations of ozone depend heavily on weather patterns and thus vary substantially from year to year. Ozone is produced in the atmosphere through photochemical reactions involving reactive organic compounds (ROG) and nitrogen oxides (NO_X). Numerous small sources throughout the region are responsible for most of the ROG and NO_X emissions in the Basin.

Suspended PM_{10} Emissions
PM_{10} refers to particulate matter less than 10 microns in diameter - those that can be inhaled and cause health effects. Common sources of particulate include demolition, construction activity, agricultural operations, traffic and other localized sources such as from fireplaces. Very small particulate of certain substances can cause direct lung damage, or can contain absorbed gases that may be harmful when inhaled.

Carbon Monoxide (CO)
Because CO is emitted primarily by motor vehicles and is non-reactive, ambient CO concentrations normally follow the spatial and temporal distributions of vehicular traffic. CO concentrations are also influenced by meteorological factors such as wind speed and atmospheric mixing. High levels of CO can impair the transport of oxygen in the bloodstream and thereby aggravate cardiovascular disease and cause fatigue, headaches, and dizziness.

Nitrogen Dioxide (NO_2)
The major sources of nitrogen dioxide (NO_2), essential to the formation of photochemical smog, are vehicular, residential, and industrial fuel combustion. NO_2 is the "whiskey brown" colored gas evident during periods of heavy air pollution. NO_2 increases respiratory disease and irritation and may reduce resistance to certain infections.

Sulfur Dioxide (SO_2)
The major source of sulfur dioxide (SO_2) is the combustion of high-sulfur fuels for electricity generation, petroleum refining, and shipping. In humid atmospheres, sulfur oxides can react with vapor to produce sulfuric acid, a component of acid rain. SO_2 can irritate the lungs, damage vegetation and materials and reduce visibility.

Lead (Pb)
Gasoline-powered automobile engines are a major source of airborne lead, although the use of leaded fuel is being reduced. Lead can cause blood effects such as anemia and the inhibition of enzymes involved in blood synthesis. Lead may also affect the central nervous and reproductive systems. Ambient lead levels have dropped dramatically as the percentage of motor vehicles using unleaded gasoline continues to increase.

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Air Quality Standards

Federal

The 1977 Federal Clean Air Act (CAA) required the U.S. Environmental Protection Agency (EPA) to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. NAAQS have been established for the six criteria air pollutants. (These are included in **Table 3.3-1**)

In 2008, the EPA adopted a new ozone standard. An 8-hour standard of 0.075 ppm was adopted and the old 1-hour ozone standard was revoked. The EPA also adopted an additional standard for particulate matter less than 2.5 microns in diameter ($PM_{2.5}$).

Pursuant to the 1990 amendments to the Federal CAA, the EPA has classified air basins (or portions thereof) as either "attainment" or "non-attainment" for each criteria air pollutant, based on whether or not the NAAQS have been achieved.

State

In 1988, the State of California passed the California Clean Air Act (CCAA, State 1988 Statutes, Chapter 1568) that established more stringent State ambient air quality standards, and set forth a program for their achievement. State air basins are established by the CARB. CARB implements State ambient air quality standards, as required in the State CCAA, and cooperate with the Federal government in implementing pertinent sections of the Federal Clean Air Bill. Further, CARB has responsibility for controlling stationary and mobile source air pollutant emissions throughout the State. Like its Federal counterpart, the CCAA designates areas as attainment or non-attainment.

Attainment Status Designations

In accordance with federal and state law, the ARB is required to designate areas of the state as attainment, nonattainment, or unclassified for ambient air quality standards. An "Attainment" designation for an area signifies that pollutant concentrations did not violate the standard for that pollutant in that area. A "Nonattainment" designation indicates that a pollutant concentration violated the standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. An "Unclassified" designation signifies that data do not support either an attainment or nonattainment status. Nonattainment areas are divided into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category. The attainment status designations for the Lake County Air Basin are summarized in **Table 3.3-2**.

TABLE 3.3-2
ATTAINMENT STATUS DESIGNATIONS
LAKE COUNTY AIR BASIN

State Designation	Pollutant	Federal Designation
Attainment	Ozone – 1 Hour	Attainment
Attainment	Carbon monoxide	Unclassified/attainment
Attainment	Particulate matter (PM_{10})	Attainment
Attainment	Nitrogen dioxide	Attainment

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State Designation	Pollutant	Federal Designation
Attainment	Sulfur dioxide	Attainment
Attainment	Sulfates	No federal standard
Attainment	Lead (Particulate)	No designation
Attainment	Hydrogen sulfide	No federal standard
Attainment	Visibility reducing particulates	Unclassified

Source: Doug Gearhart, APCO; Lake County Air Quality Management District, 2011; via email.

Standards of Significance

The LCAQMD recognizes both qualitative and quantitative thresholds of significance for air quality. Thresholds established by the Lake County AQMD are:

- A project that produces more than 150 pounds per day of NOx;
- A project that produces more than 150 pounds per hour or 1,500 pounds per day of CO;
- A project that produces more than 150 pounds per day of other organic gas or contaminant for which there is a local, state, or federal ambient air quality standard; and
- A project which has a risk priority rating for air toxics of greater than 10 in a million. [8]

LCAQMD staff suggested that the air quality thresholds of significance adopted by the Bay Area Air Quality Management District should be considered.[9] However, the Bay Area thresholds have not been formally adopted by the LCAQMD.

Methodology

Air quality impacts are analyzed in accordance with standard CEQA methodologies. Accordingly, short-term construction-generated exhaust emissions associated with operation of onsite construction equipment are evaluated based on estimated fuel usage requirements. Fugitive dust emissions from project construction are based on incorporation of standard requirements of the District. Emissions of fugitive dust would be considered less than significant if adequate mitigation measures have been incorporated to prevent visible emissions beyond the boundaries of a development project.

With respect to the proposed project, no construction activities involving the use of construction equipment or the disturbance of land are proposed.

DISCUSSION OF IMPACTS

a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

Less than Significant. The Lake County Air Quality Management District has reviewed the proposed project and has indicated that the "annexation of these parcels should pose no significant impact to air quality in Lake County. However, the overall development of

[8] *Doug Gearhart, APCO; Lake County Air Quality Management District, 2011; via email.*
[9] Ibid.

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this area may present significant short term and long term impacts." The submitted response also states the proposed annexation of "197 acres into the City of Lakeport would not be expected to result in significant air quality impacts and a mitigated negative declaration can be supported for air quality concerns."

The proposed project could result in a minor, temporary increase in ozone, PM_{10}, carbon monoxide, reactive organic compounds, or nitrogen oxides due to the use of construction equipment in conjunction with future and as-yet unknown site development activities. The annexation will not result in any direct impacts to air quality, as the change land use authority will not result in any construction or changes in ambient air quality. The current prezoning of the site will also result in a regulatory environment similar to that which currently exists in the area, except that development will be allowed in a manner consistent with the limits and standards set forth in the City's General Plan and supporting ordinances. Indirect impacts resulting from the project may include the eventual development of individual parcels consistent with urban densities similar to those found in commercial areas within the City of Lakeport. Development of vacant parcels or the redevelopment of improved sites could result in increases to air quality contaminants through the use of construction equipment to build structures, grade sites, pave parking and driveways areas, and make utility improvements to support new development.

The creation of air quality contaminants, including NOx and reactive organic gasses, would be expected to occur as a result of construction and other site improvement activities. The generation of these air contaminants is subject to the application of mitigation measures developed by the LCAQMD to offset and reduce such impacts. The exact mitigation measures required are dependent on the scale and intensity of the development proposed, and are applied as appropriate to reduce impacts to a level below the thresholds cited above. LCAQMD reviewed the annexation project and indicated that the following air quality mitigation measures are typically assigned to construction projects:

- Dust suppression (frequent watering, palliatives or other methods) during grading, earthworks and other building phases;
- Roads, access, parking and construction storage/staging areas to be paved or provided with acceptable surface;
- Prohibition of any burning of construction debris, refuse or vegetative matter removed from sites;
- Restrictions and requirements related to areas where serpentine rock is present.

Other mitigation measures recommended by LCAQMD include:

- Limitations on construction hours and duration per day;
- Use of emulsified fuels or specialized construction equipment equipped with pollutant-reducing technologies;
- Limitations on idling time for construction equipment;
- Revegetation of sites which are graded but not under construction.

These mitigation measures have been shown in air quality models (including Urbemis, CALINE, and others) to have the ability to reduce impacts from residential and small-scale commercial construction to levels below the thresholds identified by the LCAQMD. The requirement for additional review of future projects by CEQA ensures that there will

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be adequate opportunity and availability of the AQMD to review proposed projects and apply appropriate mitigation measures to reduce air quality impacts to a level of less than significant. Therefore, the impacts herein are considered less than significant.

b) *Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

Less than Significant. See discussion above in section (a). The project would not result in any direct impacts to air quality, as no construction or improvements to properties are associated with the annexation of the project site to the City of Lakeport. Indirect impacts could include eventual development of portions of the site consistent with densities and scales similar to those of other commercial areas of Lakeport.

The creation of air quality contaminants, including NOx and reactive organic gasses, would be expected to occur as a result of construction and improvement activities. The generation of these air contaminants is subject to the application of mitigation measures developed by the LCAQMD to offset and reduce such impacts. The exact mitigation measures required are dependent on the scale and intensity of the development proposed, and are applied as appropriate to reduce impacts to a level below the thresholds cited above. Future projects will be reviewed in accordance with CEQA and the LCAQMD will have the opportunity to review proposed projects and apply appropriate mitigation measures to reduce air quality impacts to a level of less than significant. Therefore, the impacts herein are considered less than significant.

c) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?*

Less than Significant. Refer to response b) above. While it can be assumed that the project would generate air quality impacts as a result of potential future construction activities, the scope of development and specific impacts cannot be known without further detail of proposed projects. The City of Lakeport, as with all of the Lake County Air Basin, is in full attainment status for all State and federally regulated air quality pollutants (see Table 3.3-2). The project would not result in long-term or cumulatively considerable increases in air quality pollutant emissions for which City of Lakeport is currently in non-attainment. An air quality monitoring station is located near the LCAQMD office at 905 Lakeport Boulevard, approximately .75 miles northwest of the project site. This station (ARB #17713) performs regular monitoring of ozone, particulate matter, and other pollutants.

The attainment status of the air district for all regulated air quality contaminants, as well as the mitigable impacts associated with future development activities, results in a less-than-significant impact for cumulatively considerable net increases to air pollutants.

d) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Less than Significant. See analysis under a) above. "Sensitive receptors" include residences, schools, parks, hospitals, or other land uses where children or the elderly congregate, or where outdoor activity is the primary land use. There are no schools located within the project area and only a small number of private residences. There are no hospitals, care facilities or public parks or playgrounds where children or the elderly congregate. The California Department of Public Health reviewed the annexation

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proposal and submitted comments indicating that six health care facilities are licensed by the State in the Lakeport area. A list and map of the facilities was provided and no licensed facilities are located in or near the annexation project area.

Exhaust from construction equipment dissipates rapidly, and exhausts or other emissions associated with future development in the project area are not anticipated to cause impacts to sensitive receptors. Impacts to sensitive receptors are less than significant.

As stated in the Geology and Soils section of this Initial Study, serpentine rock is present within small portions of the project area. The LCAQMD submitted comments which note the presence of serpentine rock and/or soils in the project area. The disturbance of serpentine rock has the potential to release Naturally Occurring Asbestos (NOA) into the area. NOA can be found in the City of Lakeport and this area of Lake County within the common serpentine soils of the area. Serpentine does not pose a health risk unless it is disturbed in such a manner that causes asbestos-containing particulate matter from the rock to enter the air. If inhaled, the asbestos can cause lung damage and is considered a hazardous substance.

It is assumed that NOA may be present on the project site once site grading begins for any future development project. It is also assumed that the NOA may be at levels that can be mitigated to a less-than-significant level by compliance with LCAQMD regulations. The LCAQMD indicates that an approved serpentine dust control plan is required for most construction and grading activities on land known to have serpentine rock. A serpentine dust plan includes provisions for dust control measures to achieve no visible emissions, prevent material track-out onto the public road, provide for worker notification of the plan requirements and asbestos hazards, the posting of an asbestos warning notice at the site, and the covering of disturbed serpentine surfaces subject to traffic wear or wind erosion with non-asbestos containing materials. All applicable Best Available Control Measures will be required for construction activities on soils with the potential to contain NOA, including application of water or stabilizing agents to all disturbed soils on a regular basis

In 2001 the California Air Resources Board (CARB) adopted an Airborne Toxic Control Measure (ATCM) Title 17 Section 93105.[10] The standard addresses Construction, Grading, Quarrying, and Surface Mining activities. This ATCM identifies Construction as any activity that disturbs soil containing asbestos in concentrations of 0.25% or greater. The Construction ATCM also includes activities that disturb soil where asbestos building material debris or NOA may have been dumped or in areas that contain NOA.

Section 93105 adds other surface regulations for NOA and complements the existing Surfacing ATCM (Title 17 Section 93106) that was modified in 2000 to reflect the lowering of the allowable level of asbestos used in surfacing applications from 5% to 0.25%.

In accordance with the California Air Resources Board Final Regulation Order for Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, Section 93105 (2001), the applicant for any future project will be required to notify the LCAQMD Officer in writing at least 14 days prior to construction, and must implement dust control measures from Section 93105 in addition to the City and AQMD regulations.

[10] California EPA, Air Resources Board; www.arb.ca.gov/toxics/asbestos/asbestos.htm

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The City of Lakeport General Plan includes Policy C 3.3 (Page VII-12, City of Lakeport 2025 General Plan) which addresses NOA:

> **Policy C 3.3** **Naturally Occurring Asbestos.** The City shall protect public health from naturally occurring asbestos by requiring mitigation measures to control dust and emissions during construction, grading, quarrying or surface mining operations.

Because sufficient regulations are required by State and local laws to ensure that NOA impacts are fully addressed and mitigated, impacts related to NOA are considered less than significant.

e) Would the project create objectionable odors affecting a substantial number of people?

Less than Significant. The proposed annexation project and the resulting change in jurisdictional boundaries will not create any objectionable odors that could affect a substantial number of people. Various commercial and service commercial businesses exist in the project area which have the potential to generate objectionable odors. Future development projects will be subject to the City's zoning regulations, including the Performance Standards are set forth in Lakeport Municipal Code Section 17.28.010 which address the generation of odors, smoke, fumes, dust and particulate matter. Future construction activities within the project area would involve the use of a variety of gasoline or diesel powered engines that emit exhaust fumes. However, these emissions would occur intermittently throughout the workday, and the exhaust odors would dissipate rapidly within the immediate vicinity of the equipment. While some persons who live or walk by the construction site may find these odors objectionable, the infrequency of the emissions, rapid dissipation of the exhaust into the air, and short-term nature of the construction activities would be considered a less-than-significant impact.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.4	**BIOLOGICAL RESOURCES** Would the project:				
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒

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REGULATORY SETTING

The United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) share regulatory responsibility for the protection of special-status plant species. "Special status" plant species are eligible for protection because they are rare and/or subject to the loss of habitat and/or population. "Special status" is a general term for species that are afforded varying levels of regulatory protection. The highest level of protection is given to threatened and endangered species which are formally listed or proposed for listing as endangered or threatened under the Federal Endangered Species Act and/or the California Endangered Species Act.

With respect to laws regulating impacts to wildlife resources, the USFWS and the CDFG share primary responsibility for their implementation. The National Marine Fisheries Service (NOAA Fisheries) is also involved with the protection of wildlife in certain areas/habitats. Federal and state laws and regulations related to wildlife include the following:

- National Environmental Policy Act (NEPA)
- Migratory Bird Treaty Act (MBTA)
- Fish and Wildlife Coordination Act
- Federal Endangered Species Act
- California Environmental Quality Act (CEQA)

- Sections 1600-1603 State Fish and Game Code
- Sections 4150 and 4152 State Fish and Game Code
- California Endangered Species Act

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) defines an endangered species as any species or subspecies that is in danger of extinction throughout all or a significant portion of its range. A threatened species is defined as any species or subspecies that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Once a species is listed it is fully protected from a "take" unless a take permit is issued by the U.S. Fish and Wildlife Service (USFWS). A take is defined as the killing, capturing, or harassing of a species. Proposed endangered or threatened species are those species for which a proposed regulation, but not final rule, has been published in the Federal Register. The regulatory requirements for FESA can be found at USC 16, Section 1531, et seq. See also 50 CFR, Part 402.

Migratory Bird Treaty Act

To kill, possess, or trade a migratory bird, bird part, nest, or egg is a violation of the Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., § 703, Supp. I, 1989), unless it is in accordance with the regulations that have been set forth by the Secretary of the Interior.

Clean Water Act – Section 404

Section 404 of the Clean Water Act (CWA) regulates all discharges of dredged or fill material into waters of the United States. The United States Army Corps of Engineers is the agency responsible for administering the permit process for activities that affect waters of the United States. Executive Order 11990 is a federal implementation policy, which is intended to result in no net loss of wetlands.

Natural drainage channels and wetlands are considered "Waters of the United States" (hereafter referred to as "jurisdictional waters"). The extent of jurisdiction within drainage channels is defined by "ordinary high water marks" on opposing channel banks. Wetlands are habitats with soils that are intermittently or permanently saturated, or inundated. The resulting anaerobic conditions select for plant species known as hydrophytes, which show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils saturated intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 Corps of Engineers Wetlands Delineation Manual (USACE 1987).

Clean Water Act – Section 401

Section 401 of the Clean Water Act (CWA) requires an applicant who is seeking a 404 permit to first obtain a water quality certification from the Regional Water Quality Control Board. To obtain the water quality certification the Regional Water Quality Control Board must indicate that the proposed fill would be consistent with the standards set forth by the state.

Fish and Game Code §2050-2097 - California Endangered Species Act

The California Endangered Species Act (CESA) protects certain plant and animal species when they are of special ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of the State. CESA established that it is the

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State's policy to conserve, protect, restore, and enhance endangered species and their habitats.

The CESA expanded upon the original Native Plant Protection Act and enhanced legal protection for plants. To be consistent with Federal regulations, CESA created the categories of "threatened" and "endangered" species. It converted all "rare" animals into the Act as threatened species, but did not do so for rare plants. Thus, there are three listing categories for plants in California: rare, threatened, and endangered. Under State law, plant and animal species may be formally designated by official listing by the California Fish and Game Commission.

Fish and Game Code §1900-1913 - California Native Plant Protection Act

In 1977, the State Legislature passed the Native Plant Protection Act (NPPA) in recognition of rare and endangered plants of the state. The NPPA gave the California Fish and Game Commission the power to designate native plants as endangered or rare, and to require permits for collecting, transporting, or selling such plants.

Public Resources Code § 21083.4 - Oak Woodlands Conservation

In 2004, the California legislature enacted SB 1334, which added oak woodland conservation regulations to the Public Resources Code. This law requires a County to determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a County determines that there may be a significant effect to oak woodlands, the County must require oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands. Such mitigation alternatives includes: conservation through the use of conservation easements; planting and maintaining and appropriate number of replacement of trees; contribution of funds to the Oak Woodlands Conservation Fund for the purpose of purchasing oak woodlands conservation easements; and/or other mitigation measures developed by the County.

Public Resources Code § 21000 - California Environmental Quality Act

The California Environmental Quality Act (CEQA) identifies that a species that is not listed on the federal or state endangered species list may be considered rare or endangered if the species meets certain criteria. Under CEQA, public agencies must determine if a project would adversely affect a species that is not protected by FESA or CESA. Species that are not listed under FESA or CESA, but are otherwise eligible for listing (i.e. candidate, or proposed) may be protected by the local government until the opportunity to list the species arises for the responsible agency (i.e. USFWS or CDFG).

Fish and Game Code § 3503, 3503.5, 3800 - Predatory Birds

Under the California Fish and Game Code, all predatory birds in California, generally called "raptors," are protected. The law indicates that it is unlawful to take, possess, or destroy the nest or eggs of any such bird unless it is in accordance with the code. Any activity that would cause a nest to be abandoned or cause a reduction or loss in a reproductive effort is considered a take. This generally includes construction activities.

Fish and Game Code § 1601-1603 – Streambed Alteration

Under the California Fish and Game Code, the Department of Fish and Game (CDFG) has jurisdiction over any proposed activities that would divert or obstruct the natural flow or

change the bed, channel, or bank of any lake or stream. Private landowners or project developers must obtain a "Streambed Alteration Agreement" from the CDFG prior to any alteration of a lake bed, stream channel, or their banks. Through this agreement, the CDFG may impose conditions to limit and fully mitigate impacts on fish and wildlife resources.

Bird Protection

Under the Migratory Bird Treaty Act (MBTA) most migratory nesting birds are afforded protection. If project construction has the potential to directly or indirectly take nests, eggs, young or individuals of any nesting species, a violation of the MBTA can occur. Desirable nesting habitat for many avian species is present within the annexation area.

ENVIRONMENTAL SETTING

The City of Lakeport is located within the ecoregion known as the Northern California Interior Coast Ranges. Northern California Interior Coast Ranges vegetation is predominately characterized by the Blue Oak series, Chamise series, Purple needle grass series, and Foothill pine series (General Plan EIR, 2008). The vegetation within these plant communities vary greatly and are generally influenced by several ecological factors, including the amount of water available, soil depth and chemistry, slope and aspect (angle of the terrain with regard to direct sunlight), and climate.

The following habitat types are found within the City of Lakeport: shoreline, riparian, oak woodlands, chaparral, agricultural lands, and urban areas. There are several special-status plant and animal species known to occur in the vicinity of the City, however, the City is not located within an identified migratory corridor.

There are numerous policies and measures included in the Conservation Element of the 2009 General Plan that serve to protect and preserve important natural and biological resources (pages VII-9 through VII-10 of the 2009 Lakeport General Plan). The above-referenced policies include requirements such as requiring setbacks from the Clear Lake shoreline and other surface water resources and limiting the amount of ground disturbance during construction activities.

Please refer to General Plan Draft EIR, pages 3-39 through 3-48, for additional details regarding the setting for biological resources, including detailed descriptions of potential special-status plant, fish, and wildlife species, habitat types, and sensitive communities affecting the Lakeport area.

VEGETATION

An Initial Study/Environmental Analysis[11] prepared in 2011 for the South Main Street and Soda Bay Road Widening and Bike Lanes project includes results of field surveys which identify vegetation in the project area, which includes significant portions of the proposed annexation area that is the subject of this study. The annexation project area is dominated by paved roads and other developed land with small areas of plant communities occurring intermittently, including California annual grassland, serpentine grassland, and ruderal/disturbed areas.[12]

[11] South Main Street and Soda Bay Road Widening and Bike Lanes Project; Initial Study with Proposed Mitigated Negative Declaration/Environmental Assessment; May 2011
[12] Ibid; Pg. 72

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The Initial Study/Environmental Analysis also cited regulatory agency databases that were searched in an effort to identify vegetation in the project area including rare plant species. According to this analysis, "no state- or federally-listed species occur in the project area."[13]

Although no State- or federally-listed species were found, the Initial Study/Environmental Analysis indicates that three special-status plant species are expected to occur within the project area:

- Bent-flowered fiddleneck *(Amsinkia lunaris)*
- Dwarf soaproot *(Chlorogalum pomeridianum var. minus)*
- Clouia layia *(Layia sepentrionalis)*

The above-referenced analysis states that these plant species are typically found on areas of serpentine soils and that they are "CNPS 1B species with no State or federal status."

WILDLIFE

The South Main Street and Soda Bay Road Widening and Bike Lanes project Initial Study/Environmental Analysis addresses the presence of wildlife in the project area. Biologists conducted field surveys and reviewed regulatory agency databases to determine if there is the potential for any special-status wildlife species to be present in the project area.

The Initial Study/Environmental Analysis prepared for the road widening and bike lane project indicates that there are no state or federally-listed wildlife species present in the project area."[14]

Although no State or federally-listed species were found, the Initial Study/Environmental Analysis indicates that the following State species of concern may be located in the project area based on existing habitat conditions:

- Cooper's hawk *(Accipiter cooperii)*
- Tricolored blackbird *(Agelaius tricolor)*
- Northwestern pond turtle *(Actinemys marmorata marmorata)*
- Clear lake hitch *(Lavinia exilicauda chi)*

City of Lakeport staff also conducted limited field surveys within the annexation project area and agrees that the habitat conditions, particularly in the eastern portion of the project area, are conducive for various bird and wildlife species identified in the study prepared for the road widening and bike lane project.

The Initial Study/Environmental Assessment cited above also addresses wildlife usage and states that no established wildlife movement corridors were observed in the project area.[15] Wildlife usage is "substantially limited" because of the "predominantly developed nature of the project area." Common wildlife (mammals and birds) that are expected to occur in and around the project area include coyote, black-tailed deer, raccoon, striped skunk, scrub jay,

[13] Ibid; Pg. 72
[14] Ibid; Pg. 74
[15] Ibid; Pgs. 75-76

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American robin, and northern mockingbird.[16]

DISCUSSION OF IMPACTS

a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less Than Significant with Mitigation. Recent plant surveys identified three special status plan species in the vicinity of the project area including Bent-flowered fiddleneck *(Amsinkia lunaris),* Dwarf soaproot *(Chlorogalum pomeridianum var. minus), and* Clouia layia *(Layia sepentrionalis)*. Similarly, four State species of concern may be located in the project area based on existing habitat conditions: Cooper's hawk *(Accipiter cooperii),* Tricolored blackbird *(Agelaius tricolor)*, Northwestern pond turtle *(Actinemys marmorata marmorata), and* Clear lake hitch *(Lavinia exilicauda chi)*.

While no direct impacts will occur as a result of the annexation of the project area into the City of Lakeport, the future potential for construction and improvements may impact biological resources and habitat areas on the site. Implementation of the following mitigation measures will ensure that future construction or improvement activities do not have a substantial adverse impact on candidate, sensitive or special status species on the project site.

MM BIO-1 Prior to any proposed construction, a biological analysis will be conducted by a qualified biologist to determine the presence of any special status species within and near the development site. If any are found to be present, a detailed mitigation plan which describes the specific methods to be implemented to avoid and/or mitigate any project impacts upon special status species shall be prepared by a qualified biologist. This detailed Special Status Species Avoidance/Mitigation Plan shall be prepared in consultation with the appropriate agency, and shall emphasize a multi-species approach to the maximum extent possible.

MM BIO-2 If construction is expected to occur during the typical nesting season (February-August), the developer shall retain a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur on the project site. The survey shall be conducted no more than 30 days prior to ground disturbance at the site.

If there is any lapse in construction activities, and construction resumes during the nesting season, new surveys shall be conducted within 30 days of the re-initiation of construction activities.

If nesting birds are found, a buffer shall be established around the active nest in which project activity ingress will be prohibited, thus ensuring nesting species are avoided and allowed to complete their nesting cycle. Exclusionary fencing shall be established outside the proposed project footprint to prohibit project activity ingress. All required buffers shall be

[16] Ibid; Pg. 76

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shown on construction plans. If construction activities are proposed to occur during non-breeding season (September-January), a survey is not required and no further studies are necessary.

b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less Than Significant with Mitigation. Sensitive habitats include those that are of special concern to resource agencies and those that are protected under CEQA, Section 1600 of the California Fish and Game Code, or Section 404 of the Clean Water Act. The Initial Study/Environmental Analysis prepared for the South Main Street and Soda Bay Road Widening and Bike Lanes project indicates that jurisdictional waterways are present in the project area which could support riparian habitats.[17] Jurisdictional waters in the project area include Manning Creek, unnamed tributaries to Manning Creek, and various roadside ditches along South Main Street and Soda Bay Road. Potential wetlands may also occur on the site and may be impacted by future development. In order to mitigate potential impacts to sensitive habitats, the following mitigation measure shall be required.

MM BIO-3 For all proposed future land use changes in areas known or presumed to have jurisdictional waters, the future project applicant shall submit a formal wetlands delineation to the U.S. Army Corps of Engineers, in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual, 1987, in order to help determine if wetlands and other waters of the U.S. defined by Section 404 of the Clean Water Act occur with the project study area.

Prior to beginning construction, the developer will obtain all necessary permits from the appropriate resource agencies. These permits may include:

- §401 Water Quality Certification Agreement – California Regional Water Quality Control Board
- §Section 404 Permit – United States Army Corps of Engineers

c) *Would the project have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means?*

Less than Significant. See discussion b) above. No direct impacts to federally protected wetlands will occur as a result of the proposed annexation due to the fact that no physical improvements are proposed. Future impacts cannot be known prior to submittal of improvement plans for future development. The proposed mitigation measure (BIO-3) is sufficient to ensure a less-than-significant impact.

[17] South Main Street and Soda Bay Road Widening and Bike Lanes Project; Initial Study with Proposed Mitigated Negative Declaration/Environmental Assessment; May 2011; Pgs 66-70

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d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant. As described above, no established wildlife movement corridors were observed in the project area during recent field surveys. Future construction activities subsequent to the annexation which require the disturbance of trees and vegetation could cause direct impacts to nesting raptors and migratory birds. Mitigation included within discussion item (a) above is sufficient to ensure mitigation of impacts. The impacts related to this section are less than significant.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant. The annexation of the site will not result in any changes which would limit the ability of the City to protect biological resources. The City's Municipal Code includes policies intended to protect biological resources, including native tree preservation regulations set forth in Chapter 17.21. This impact is considered less than significant.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

No Impact. City of Lakeport does not at present have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or State habitat conservation plan that covers the project area. Therefore, there would be no impact to these types of plans associated with the proposed annexation.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.5	**CULTURAL RESOURCES** Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	☐	☒	☐	☐
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

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REGULATORY SETTING

"Cultural resources" generally refers to all historical and archaeological resources, regardless of significance.

State Regulations

State Historic Preservation Office

California Public Resources Code 5024 requires consultation with the State Historic Preservation Office (SHPO) when a project may impact historical resources located on State owned land.

California Register of Historic Resources

The SHPO also maintains the California Register of Historic Resources (California Register).

Historic properties listed, or formally designated for eligibility to be listed, on the National Register are automatically listed on the California Register (PRC Section 5024.1). State Landmarks and Points of Interest are also automatically listed. The California Register can also include properties designated under local preservation ordinances or identified through local historic resource surveys.

For a historic resource to be eligible for listing on the California Register, it must be significant at the local, state, or national level under one or more of the following four criteria:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- It is associated with the lives of persons important to local, California, or national history;
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (California Public Resources Code).

CEQA Guidelines

Section 15064.5 of CEQA guidelines define three ways that a property can qualify as a significant historical resource for the purposes of CEQA review:

- If the resource is listed in or determined eligible for listing in the California Register of Historical Resources (CRHR);
- If the resource is included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code, or is identified as significant in a historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code unless a preponderance of evidence demonstrates that it is not historically or culturally significant; or
- If the lead agency determines the resource to be significant as supported by substantial evidence (California Code of Regulations, Title 14, Division 6, Chapter 3, section 15064.5).

In addition to determining the significance and eligibility of any identified historical resource under CEQA and the California Register, historic properties must be evaluated under the

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criteria for the National Register should federal funding or permitting become involved in any undertaking subject to this document.

CEQA on Mitigation of Cultural Resources Impacts

CEQA Guidelines Section 15126.4 states that "public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archeological nature." The Guidelines further state that preservation-in-place is the preferred approach to mitigate impacts on archaeological resources. However, according to Section 15126.4, if data recovery through excavation is "the only feasible mitigation," then a "data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resources, shall be prepared and adopted prior to any excavation being undertaken." Data recovery is not required for a resource of an archaeological nature if "the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource." The section further states that its provisions apply to those archaeological resources that also qualify as historic resources.

Native American Heritage Act

Also relevant to the evaluation and mitigation of impacts to cultural resources is the Native American Heritage Act (NAHA) of 1976 which established the Native American Heritage Commission (NAHC) and protects Native American religious values on state property (see California Public Resources Code 5097.9).

SB 18 Tribal Consultation Guidelines

Senate Bill (SB) 18 helps tribes and jurisdictions define tribal cultural resources and sacred areas more clearly and incorporates protection of these places earlier into the General Plan and Specific Plan processes. The SB 18 process mirrors the federal 106 Review process used by archeologists as part of the environmental review conducted under NEPA (36 CFR Part 800.16) While not a component of CEQA review per se, the Lead agency is required to request consultation with responsible and trustee agencies, such as NAHC, during initial study and EIR process (PRC 21080.3, 21080.4).

Disposition of Human Remains (Health and Safety Code, Section 7050.5)

When an initial study identifies the existence, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials. Furthermore, Section 7050.5 of the California Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the county coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.

Native American Graves Protection and Repatriation Act

California Health and Safety Code Sections 8010-8011 establish a state repatriation policy that is consistent with and facilitates implementation of the federal Native American Graves Protection and Repatriation Act. The Act strives to ensure that all California Indian human

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remains and cultural items are treated with dignity and respect. It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also states the intent for the state to provide mechanisms for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims and getting responses to those claims.

Comments from the Northwest Information Center (NWIC)

The Northwest Information Center (NWIC) of the Historical Resources information System is affiliated with the State of California Office of Historic Preservation (OHP) in Sacramento. This Information Center manages historical resources records, reports, and maps; provides historical resources information to the private and public sector; and also provides educational support and information about historical resources in California.

A Request for Review for the proposed annexation project was provided to the NWIC. According to the Information Center, a total of 16 archaeological studies have been completed in the project area and the areas of study comprise approximately 35% of the total project area. The NWIC indicated that six recorded Native American archaeological sites are in the proposed project area including tool processing sites and habitation sites. The project area is also adjacent to a multi-component archaeological site. The NWIC recommends that a qualified professional assess the status of the known resources and provide project and site specific recommendations. It is noted that the unsurveyed portion of the project area has the possibility of containing unrecorded archaeological sites and a study of the unsurveyed areas is recommended prior to the commencement of project activities.

The submitted response also addressed the built environment in the project area and indicates that nine recorded historical buildings or structures are in the project area. Air photos from 1957 depict a total of 16 buildings and two water tanks in the area. THE NWIC suggests that these resources be assessed by a qualified professional prior to the commencement of any project activities.

The NWIC also cited Senate Bill 18 which is described in more detail above and requires consultation with local Native American tribes in conjunction with certain planning actions. In accordance with SB 18, a Request for Review was sent to the Big Valley Rancheria Band of Pomo Indians; however, no response has been received as of this writing.

ENVIRONMENTAL SETTING

The project site is adjacent to and south of the incorporated City limits of Lakeport. The study area includes relatively well-drained soils which would have supported a variety of plants that could have served as food and cover for animals. Oaks would have provided acorns which could supplement human diets. The availability of fresh water from nearby creeks and drainages and the abundance of other resources on the site suggest that this area could have been a desirable place for prehistoric occupants of the region to live or gather resources.

Archaeological evidence suggests that human occupation of California began at least 12,000 years ago. At the time of European settlement, the study area was included in the territory controlled by the Eastern Pomo, a band of hunter-gatherers who lived in rich environments that allowed for dense populations with complex social structures. They settled in large, permanent villages about which were distributed seasonal camps and task-specific

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sites. Primary village sites were occupied continually throughout the year and other sites were visited in order to procure particular resources that were especially abundant or available only during certain seasons. Sites often were situated near freshwater sources and in ecotones where plant life and animal life were diverse and abundant.

The 2011 Initial Study/Environmental Analysis[18] prepared for the South Main Street and Soda Bay Road Widening and Bike Lanes project includes a detailed analysis of the cultural resources in the project area. As previously described, the road widening and bike lane project encompasses a notable portion of the area within the proposed annexation area. The analysis notes that the archaeological study area encompasses 46.32 acres and that it "is 1.25 miles long and generally 100 feet wide along South Main Street north of the SR 175 extension and Soda Bay Road south of the SR 175 extension."[19] Based on this description and other maps in the analysis, it appears that the archaeological study area affected the majority of the parcels located within the proposed annexation area.

The above-referenced analysis indicates that a variety of surveys and evaluations were conducted in an effort to determine if archaeological or historic resources are present in the area. The cultural resources study includes background research, an archaeological sensitivity analysis, archaeological and historical architectural field studies, presence/absence and evaluation excavations, laboratory studies, and consultation with interested parties.[20]

According to the South Main Street and Soda Bay Road Widening and Bike Lanes environmental analysis, the project area "is of high archaeological sensitivity."[21] The analysis indicates that nine prehistoric archaeological sites were ultimately determined to be within or directly adjacent to the project's area of potential effects.

The environmental analysis cited above also addresses the potential for historical architectural resources. The architectural resources study area consisted of "all properties within and adjacent to a 0.5 mile segment of South Main Street from the City limits to the SR 175 extension and a 0.75-mile segment of Soda Bay Road, south from the SR 175 extension to approximately 0.1 mile west of Manning Creek."[22] Based on this description, all parcels in the proposed annexation area were reviewed for the presence of historical architectural resources. The analysis indicates that a total of ten architectural properties met the initial screening criteria (50 years old or older or 50 years old or older at the time of construction) and were evaluated. It was determined that none of the ten architectural properties met "any of the criteria for listing in the National Register or the California Register."[23] The analysis also indicates that the State Office of Historic Preservation concurred with these findings.

DISCUSSION OF IMPACTS

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

[18] South Main Street and Soda Bay Road Widening and Bike Lanes Project; Initial Study with Proposed Mitigated Negative Declaration/Environmental Assessment; May 2011

[19] Ibid; Pg. 29

[20] Ibid.

[21] Ibid.

[22] Ibid.

[23] Ibid; Pg. 30

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Less Than Significant with Mitigation. As described in the environmental setting section above, historical resources are known to be present in various locations within the proposed annexation area. Construction of future improvements, structures, or utilities subsequent to the annexation may encounter known or previously undiscovered historical resources of significance.

While no direct impacts will occur as a result of the proposed annexation, the construction of future improvements, structures, or utilities may encounter previously undiscovered resources of historical significance. Implementation of the following mitigation measure will ensure that future construction or improvement activities do not have a substantial adverse impact on historical resources on the project site:

MM CULT-1 For all proposed future land use changes in areas known or presumed to have archaeological or historical resources, the future project applicant shall retain a registered archaeologist who shall conduct a site survey and prepare a report in accordance with the California Environmental Quality Act. If necessary, a mitigation plan shall be prepared to mitigate any adverse effect resulting from the project. Said report shall be submitted to the City of Lakeport for review and approval prior to the issuance of a construction permit. All recommendations or mitigation measures set forth in the archaeologist's report shall be implemented by the developer. The developer shall immediately cease all development activities in the event that historical, archeological, paleontological or cultural resources are uncovered during the development of the site. If such resources are discovered, a subsequent study and mitigation plan shall be prepared by a registered archeologist and implemented by the developer prior to the recommencement of construction.

MM CULT-2 Prior to the approval of demolition or building permits in the project area that would result in substantial alteration of any buildings/structures that are 45 years in age or older, the City shall ensure that an evaluation of significance per California Register of Historical Resources (CRHR) criteria will be performed. If the evaluation indicates the property is not eligible for listing in the CRHR, no further action is necessary. If any of these buildings are found to be eligible for listing in the CRHR in conjunction with future evaluations, the City shall ensure that the proposed development is consistent with the guidelines established by the State Office of Historic Preservation.

b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

Less Than Significant with Mitigation. As previously described, archaeological resources are known to be present in various locations within the proposed annexation area. Construction of future improvements, structures, or utilities subsequent to the annexation may encounter known or previously undiscovered archaeological resources of significance.

See response 3.5 a) above for more discussion and MM CULT-1 for the recommended mitigation which is intended to prevent future construction or improvement activities from having a substantial adverse impact on archaeological resources on the project site.

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c) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?*

Less Than Significant with Mitigation. Unique paleontological resources or sites and/or or unique geological features may be present within the project area according to the South Main Street and Soda Bay Road Widening and Bike Lanes environmental analysis. Although no direct impacts will occur as a result of the proposed annexation, future construction or site development activities may encounter unique paleontological resources or unique geological features. See MM CULT-1 for the recommended mitigation which is intended to prevent future construction or improvement activities from having a substantial adverse impact on unique paleontological resources or geological features on the project site.

d) *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

Less Than Significant with Mitigation. The proposed project would be subject to the provisions of the California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.94 *et seq*, regarding the discovery and disturbance of human remains. The proposed annexation area is known to have sensitive archaeological resources. The proposed annexation will not result in any direct impacts which will disturb human remains, but future construction or development activity has the potential to do so. In addition to the mandatory compliance with the State regulations identified above, the following mitigation measure is recommended to reduce the potential impacts associated with the disturbance of human remains to a less-than-significant level:

MM CULT-3 In the event that human burials or remains are encountered during site activities all work shall cease within 100 feet of the find, and the Lake County Coroner and City of Lakeport shall be contacted immediately along with a representative of the Big Valley Rancheria Band of Pomo Indians. In the event remains are encountered and are determined to be of Native American descent, the project proponent, County Coroner, and representative of the Big Valley Rancheria Band of Pomo Indians shall adhere to Health and Safety Code Section 7050.5, Public Resources Code Section 5097.94 et seq., and Section 15064.5(d) of the CEQA Guidelines.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.6	**GEOLOGY AND SOILS** Would the project:				
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☒	☐	☐
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) 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?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

ENVIRONMENTAL SETTING[24]

Regional Geology

The City of Lakeport lies on a shelf forming the western shore of Clear Lake. The surrounding area is mountainous, with valleys running southeast to northwest. Slopes range from 0.5 percent near the lake to 100 percent in the upper Forbes Creek watershed, but few areas have slopes over 40 percent, and most slopes are less than 15 percent. Elevation ranges

[24] Much of this information is found in the City of Lakeport General Plan Draft EIR; Pgs. 3-63 to 3-67

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from 1,320 feet above sea level at the lake to about 1,450 feet along Highway 29; peaks to the west of the City rise to over 1,900 feet.

Lakeport's bedrock consists of the marine Franciscan complex, typical of the Coastal Range, overlaid with alluvium, lake and terrace deposits typical of the Clear Lake basin. The Franciscan complex dates roughly from the late Jurassic period, over 135 million years ago, while the alluvium, lake and terrace deposits are much younger, dating probably from the late Quaternary period, within the last million years. The Franciscan rock is fairly hard and stable, while that of the other deposits is softer and poorly consolidated. The geologic structure of the area is more complex then this simple, generalized "layer-cake" description would suggest; geologic activity, such as erosion, uplifting and faulting, has not only created the layers but altered their form and relative positions. Consequently, the deposits vary in depth, thickness, and position from spot to spot. For instance, in many steeper parts of Lakeport the Franciscan formation protrudes through overlying layers.

Seismicity

Lakeport is located in a highly active earthquake area and the potential exists for a significant seismic event in the future. Immediately east of the City there is a potentially active rupture zone. Potentially active rupture zones are faults which have been active in the past 2,000 years. Little is known about the shoreline fault rupture zone; however, it represents a potential significant hazard and must be taken into consideration when development occurs in the vicinity.

To the west of the City lie the San Andreas Fault and the Healdsburg Fault, 30 and 15 miles away, respectively. Both of these faults have been responsible for moderate to major seismic events in the past. The maximum earthquake magnitudes observed to date are 8.5 for the San Andreas Fault and 6.75 (Richter Scale) for the Healdsburg fault.

Within the past 200 years, no major damaging earthquakes have occurred along faults in Lake County. However, numerous minor faults exist within the County, designated potentially active, which could cause ground rupture, failure and shaking. Precise locations of these faults are not well established. But from information available, it appears that the greatest number of faults occur in the southwestern portion of the county near Mt. Konocti. The southeastern portion of the county also appears to have considerable faults, particularly from Grizzly Peak eastward and running from Knoxville to the southern county line. **Figure 4** shows the fault lines in the surrounding areas.

The 2001 Fault-Rupture Hazard Zone maps prepared by the California Geological Survey pursuant to the Alquist-Priolo Earthquake Fault Zoning Act also identify areas in the northern section of the county. The fault zone runs diagonally in a southeast to northwest direction through the Potato Hill, Lake Pillsbury and Sanhedrin topographic quad maps. In the far southeastern corner of the county, there is a fault zone in the Jericho Valley, an area that runs along the Lake/Napa county line.

Landslides

Landslides are a significant geologic constraint to development in the Lakeport Planning Area.

The landslide potential of an area is a function of the area's hydrology, geology, and seismic characteristics. Clay soils, which underlie many hillsides in Lakeport, are particularly susceptible to sliding. Although landslides generally occur in areas with steep slopes, they

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may occur on slopes with a grade of 20% or less in geologically unstable areas. Since zones of moderate to high landslide potential exist in Lakeport, soils tests carried out by a registered soils engineer or geologist are essential wherever landslide potential is indicated or suspected.

Foundations for structures built in areas with steep slopes in excess of 20% must be carefully engineered to avoid increasing landslide risk.

Expansive Soils

Expansive soils are those soils that shrink and swell in response to changes in moisture content potentially causing serious damage to overlying structures. The predominant soils in the Lakeport area in general have high shrink-swell potential.

Subsidence

Subsidence of the land surface can result from extraction of groundwater, gas, oil, and geothermal energy. Hydrocompaction, peat oxidation, and fault rupture are also potential causes of subsidence. Groundwater withdrawal subsidence is the most extensive type in California; however, this type of subsidence has been observed only in valley areas underlain by alluvium.

Subsidence can cause a change in gradients affecting the carrying capacities of canals, drains, and sewers. Compaction of sediments at depth has caused extensive damage to water swells in areas where subsidence has been substantial.

The imported materials used as fill in the lakefront areas of downtown Lakeport tend to be poorly consolidated and subject to subsidence.

Soils[25]

The project area has a variety of soil types located within its boundaries according to the Lake County Soil Survey. The survey identifies nine primary soil types:

- Clear Lake clay, drained, cool (121)
- Cole variant clay loam (124)
- Cole variant clay loam, calcareous substratum (125)
- Henneke-Montara complex, 8-15% slope (141)
- Henneke-Montara-Rock outcrop complex, 15-50% slope (142)
- Manzanita loam, 15-25% slopes (161)
- Still loam, stratified substratum (233)
- Still gravelly loam (234)
- Talmage very gravelly sandy loam (237)

Figure 5 identifies the soil units in the project area. The soil varieties are characteristic of the Lakeport area, and are generally common in Lake County. Slopes on the site range from 0-14 percent according to topographic data provided by the County of Lake GIS department. The steeper areas are located on the west side of Soda Bay Road south of

[25] Soil Survey of Lake County, CA; USDA Soil Conservation Service and County of Lake GIS data

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Highway 175. Several soil types vary depending on slope, such as Henneke-Montara and Manzanita Loam.

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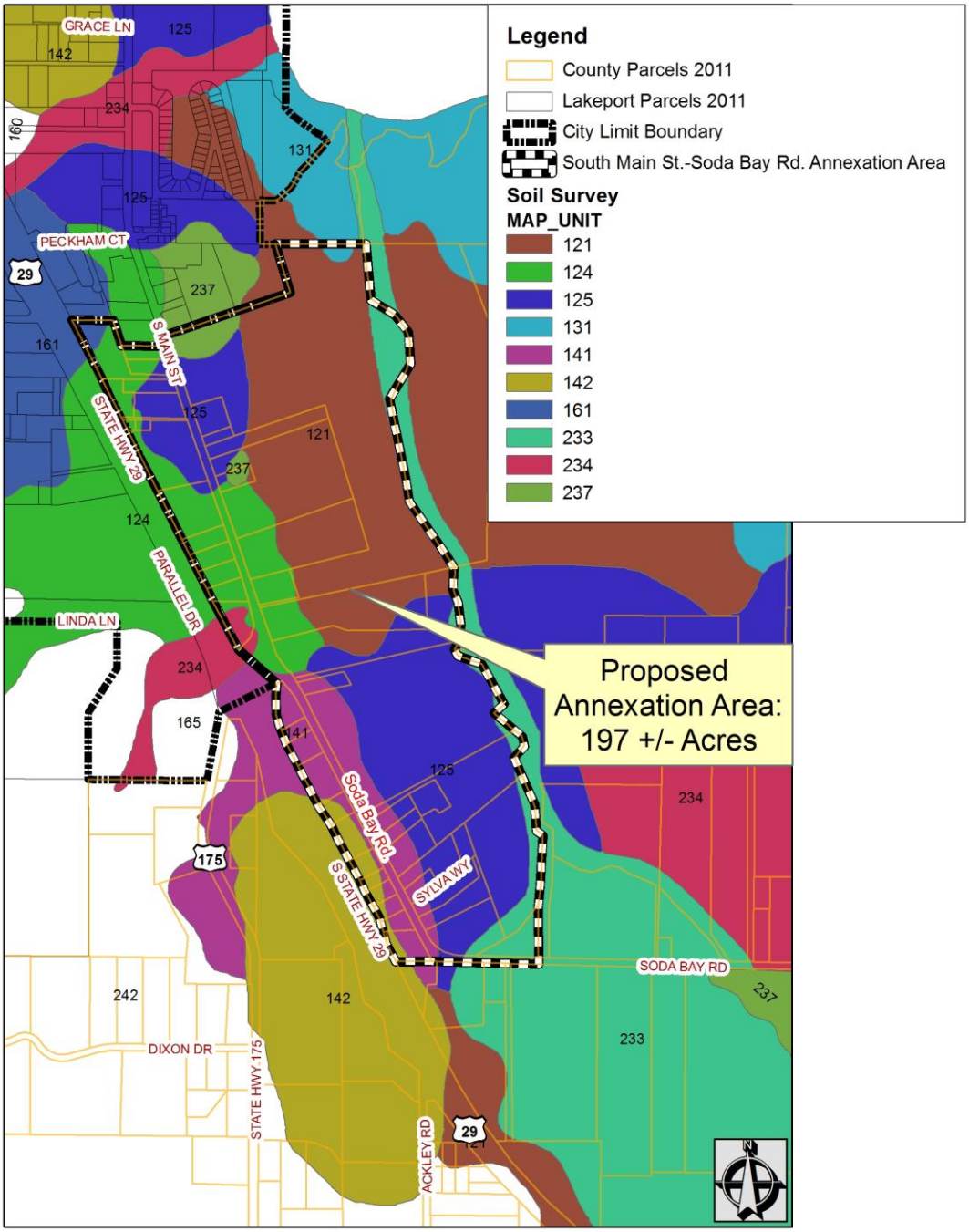
Figure 4
Fault Lines



Map Prepared by City of Lakeport
Community Development Department
August 2011

DATA SOURCES:
SOIL SURVEY OF LAKE COUNTY
COUNTY OF LAKE GIS DEPARTMENT

FIGURE 5
SOIL MAP UNITS

DISCUSSION OF IMPACTS

a) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:*

i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

Less Than Significant with Mitigation. The shoreline fault known to exist along the western shore of Clear Lake is within ½ mile of the project area, and represents a potential risk to persons located in the project area. While the project itself proposes no new businesses or improvements which would place additional people at risk of hazard from a rupture of this or other faults in the area, the proposed annexation would create an additional likelihood that the site will develop at more urban densities in the future. Because future development within the project area is reasonably foreseeable, this represents a potentially significant impact.

The following mitigation measure will ensure that future development on the site does not result in unnecessary risk of hazard from rupture of a known fault in the area and that any related impacts will be less-than-significant.

MM GEO-1 Prior to any proposed construction, project applicants shall conduct subsurface investigations as appropriate, and incorporate appropriate California Building Code foundation design criteria and conform to applicable building codes so that structures and facilities can withstand the various ground-moving forces which could impact the proposed project.

ii) *Strong seismic ground shaking?*

Less Than Significant with Mitigation. See discussion under item a) above. The Lakeport area, including the proposed annexation area, is at a high risk for seismic ground shaking. The project does not include any new structures that would be a high risk of collapse during a seismic event. However, reasonably foreseeable future development activities could result in the placement of structures in an area with the potential for impact, representing a potentially significant impact.

The mitigation measure provided above, MM GEO-1, provides sufficient protection against impacts for future projects. With incorporation of the above-cited mitigation, the impact is considered less-than-significant.

iii) *Seismic-related ground failure, including liquefaction?*

Less Than Significant with Mitigation. Liquefaction is most likely to occur in deposits of water-saturated alluvium or similar deposits of artificial fill. Because of the high risk of hazard associated with seismic activity in the area, the placement of fill in the future could impact future users of the project site. Because the future development within the project area is reasonably foreseeable, this represents a potentially significant impact.

The following mitigation measure will ensure that future development on the site does not result in unnecessary risk of hazard from seismic-induced liquefaction.

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MM GEO-2 Prior to any proposed construction, project applicants shall conduct subsurface investigations as appropriate, and utilize only fill materials which do not have the potential to induce, support, or have a high risk of liquefaction during a geologic event.

iv) Landslides?

Less Than Significant. The project would not alter slopes or other areas where landslides would be likely. There are some notable slopes within the project boundaries, and these slopes may have the potential for landslides during heavy rains or geologic events. The project will not add new structures or people to the site which could be impacted by such landslides. Future development proposals would be required to fully evaluate potential landslide impacts on project sites and mitigation incorporated therein to address such impacts. This impact is considered less than significant.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant. The proposed project would include no direct construction activities. Future construction associated with development proposals is likely to occur, which could include light to moderate grading activity. Any grading that would occur as part of project construction would be subject to Lake County Air Quality Management District's current rules regarding fugitive dust and construction activities, which would serve to minimize dust and the loss of topsoil from project construction. Future project site plans would also be required to implement Best Management Practices (BMP's) designed to reduce soil erosion. Specifically, these practices include watering down unpaved surfaces a minimum of four times daily, as well as at the end of the work shift, ensuring construction vehicle speeds of 15 mph or less, and moistening and/or securing tarps on soil piles. Future construction projects must also comply with the erosion control regulations set forth in Chapter 17.20 of the City of Lakeport Municipal Code. Future development in the project area is unlikely to require large areas of grading and the future grading activities must comply with all existing Best Management Practices and policies. Therefore, the project's contribution to erosion and loss of topsoil would be considered less than significant.

c) Would the project 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?

Less than Significant. See discussion under section a) above. The project site is located within a geologically-active area, and has the potential to have soil or ground effects from a geologic event. Future development projects will be subject to site-specific geologic analyses. The mitigation measures included in section a) are sufficient to ensure that the potential hazards associated with these conditions are reduced to an acceptable level. The impact is less than significant.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Less than Significant. Expansive soils are soils that increase in volume when they absorb water and shrink when they dry out. When buildings are placed on expansive soils, foundations may rise during each wet season and fall during each dry season. This

movement may result in cracking foundations, distortion of structures, and warping of doors and windows, which may result in structural hazards.

Expansive soils are directly related to areas with a high shrink-swell potential. Soil surveys typically rate shrink-swell potential in soils on a low, medium, and high basis. Generally, soils in the City of Lakeport have a low to moderate shrink-swell potential. Existing requirements for soil testing within the City require the removal of expansive soils from within areas for foundations of buildings, and do not allow soils with high shrink-swell potential to be used as fill in such areas. As a result, this impact is considered less than significant.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

No Impact. Neither septic tanks nor alternative wastewater disposal systems are part of the proposed annexation project. The project area is currently provided with sewer service operated and maintained by the Lake County Sanitation District (LACOSAN). Accordingly, there is no impact associated with the proposed project.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.7	**GREENHOUSE GAS EMISSIONS** Would the project:				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	☒	☐

DISCUSSION OF IMPACTS

a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

b) *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?*

The City of Lakeport is predicted to experience population growth in the coming years (approximately 20 percent between 2010 and 2025) according to the City's General Plan.[26] However, the growth rate during the past several years has been notably less than estimated in the Plan.

Accommodating future growth presents a challenge for attaining and maintaining air quality standards and for reducing greenhouse gas emissions. The increase in population is

[26] City of Lakeport 2025 General Plan; Urban Boundary Element; Page III-4

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expected to be accompanied by a similar increase in vehicle miles traveled (VMT).

The California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006, which charged the California Air Resources Board (ARB) to develop regulations on how the state would address global climate change. AB 32 focuses on reducing greenhouse gas emissions in California. Greenhouse gases, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydroflourocarbons (HFCs), perfluorocarbons (PFCs), and sulfurhexaflouride (SF6). AB 32 requires that greenhouse gases emitted in California be reduced to 1990 levels by the year 2020. ARB is the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. By January 1, 2008, ARB was required to determine what the statewide greenhouse gas emissions level was in 1990, and approve a statewide greenhouse gas emissions limit to apply to the 2020 benchmark. ARB adopted the 1990 greenhouse gas emission inventory/2020 emissions limit of 427 million metric tons of carbon dioxide equivalent (MMTCO2e) on December 6, 2007. ARB then developed a document referred to as the "Scoping Plan" that assigns reduction targets to sectors responsible for the emissions. Local governments must achieve reductions through land use measures that will be substantially dependent on the General Plan for success. Statewide, ARB expects to target local governments with reducing GHGs by 5 million metric tons of CO2 equivalent by 2020.

Senate Bill 375 was signed by the Governor on September 30, 2008. The legislation addresses implementation of the 2006 Global Warming Act. The bill assures that the decisions about how to achieve greenhouse gas emissions from cars and light trucks will remain in the hands of locally elected officials. SB 375 aligns what have been three separate planning processes - one for transportation, one for housing, and one for reducing greenhouse gas emissions - into a single process. This will provide more certainty for future planning activities and assures better coordination between state agencies.

The Draft Environmental Impact Report (DEIR) prepared for the City's 2009 General Plan update includes discussion regarding the generation of Greenhouse Gas Emissions and indicates that the implementation of the plan, including the anticipated annexation of lands in the Sphere of Influence, will have a "cumulative impact on global climate change due to the increase of population and vehicles in the area."[27] Additional CO_2 emissions will be created due to the increased number of VMTs.

The City's updated General Plan includes objectives, policies and programs designed to minimize the future generation of greenhouse gas emissions.[28] The DEIR states that implementing these measures "will help reduce potential GHG emissions resulting from the" implementation of the General Plan.[29] This section of the DEIR also notes that the adopted General Plan policies are consistent with "smart growth" principals developed and promoted by local and regional communities world-wide.

The Final EIR for the General Plan update sets forth several mitigation measures intended to reduce greenhouse gas emissions[30]:

[27] City of Lakeport General Plan Update, Draft EIR; Page 3-34
[28] Ibid.
[29] Ibid.
[30] City of Lakeport General Plan Update, Final EIR; Pages 4-4 through 4-6

Land Use Element

- Encourage public and private construction of LEED (Leadership in Energy and Environmental Design) certified (or equivalent) buildings.

Conservation Element

- Continue to maintain and update energy conservation programs and information provided to the public.
- Work with utility providers to provide free energy audits for the public.
- The project level applicants and City shall jointly develop a tree planting informational packet to help project area residents understand their options for planting trees that can absorb carbon dioxide.
- Preserve and replace onsite trees (that are removed due to development) as a means of providing carbon storage.
- Recognize and promote energy saving measures beyond Title 24 requirements for residential and commercial projects.

Transportation Element:

- Require vehicle-reduction measures through carpooling, public transit incentives, and linkages of electric shuttle service to public transit as well as local and regional pedestrian and bike trails during the project review stages.
- Prioritized parking within commercial and retail areas shall be given to electric vehicles, hybrid vehicles, and alternative fuel vehicles.
- All non-residential projects shall provide bicycle lockers and/or racks.
- Create conditions of approval for projects to limit idling time for commercial vehicles, including delivery and construction vehicles.

Other mitigation measures:

- Where feasible, include in new buildings facilities to support the use of low/zero carbon fueled vehicles, such as the charging of electric vehicles from green electricity sources
- Incorporate energy efficient bulbs and appliances for traffic lights, street lights, and other electrical uses.
- Encourage large businesses to develop commute trip reduction plans that encourage employees who commute alone to consider alternative transportation modes.

Because it is assumed that development will occur consistent with the adopted growth forecast described in the Land Use and Urban Boundary Elements of the General Plan, including annexation within the Sphere of Influence, the proposed project will not cause an increase in greenhouse gas emissions beyond the level currently projected to occur. Therefore, no new significant impacts are anticipated and no mitigation measures are needed in conjunction with the annexation project. A less than significant impact is identified.

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.7	**HAZARDS AND HAZARDOUS MATERIALS** Would the project:				
a)	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☒	☐
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e)	For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g)	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

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ENVIRONMENTAL SETTING

A material is considered hazardous if it appears on a list of hazardous materials prepared by a Federal, State, or local agency, or if it has characteristics defined as hazardous by such an agency. A hazardous material is defined in Title 22 of the California Code of Regulations (CCR) as follows:

> *(1) A waste that exhibits the characteristic which may either (A) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed. The characteristic can be (A) measured by an available standardized test method which is reasonably within the capability of generators of waste or private sector laboratories that are certified by the Department pursuant to Chapter 44 of this division and available to serve generators of waste; or (B) reasonably detected by generators of waste though their knowledge of their waste.* (California Code of Regulations, Title 22, Section 66261.10)

Chemical and physical properties cause a substance to be considered hazardous. Such properties include toxicity, ignitability, corrosivity, and reactivity. CCR, Title 22, Sections 66261.20-66261.24 define the aforementioned hazardous waste characteristics. The release of hazardous materials into the environment could potentially contaminate soils, surface water, and groundwater supplies.

Under Government Code Section 65962.5, the California Department of Toxic Substances Control (DTSC) maintains a list of hazardous substance sites. This list, referred to as the "Cortese List", includes CALSITE hazardous material sites, sites with leaking underground storage tanks, and landfills with evidence of groundwater contamination. In addition, the Regional Water Quality Control Board (RWQCB) keeps files on hazardous material sites.

Most hazardous materials regulation and enforcement in the area is overseen by the Lake County Environmental Health Department that refers large cases of hazardous materials contamination or violations to the Regional Water Quality Control Board (RWQCB) and the California State Department of Toxic Substances Control (DTSC). It is not at all uncommon for other agencies such as the Lake County Air Quality Management District and both the Federal and State Occupational Safety and Health Administrations (OSHA) to become involved when issues related to hazardous materials arise.

Several hazardous materials databases were searched to determine the potential for the presence of hazardous materials and hazardous waste in the project area. These databases are listed below.

Federal Record Sources

- NPL – National Priority List;
- CERCLIS – Comprehensive Environmental Response, compensation, and Liability Information System;
- RCRIS – Resource Conservation and Recovery Information System;
- ERNS – Emergency Response Notification System;
- EPA's EnviroMapper – Environmental Protection Agency EnviroMapper Database.
- BRS – Biennial Reporting System;

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- ROD – Records of Decision;
- TRIS – Toxic Chemical Release Inventory System;
- RCRA Info – Resource Conservation and Recovery Act Information;

The RCRA Info database is a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. The query performed for this project returned several businesses in the annexation area that are currently permitted including auto dealerships, auto repair facilities and a gravel/paving contractor.

State Record Sources

- Department of Toxic Substances Control (DTSC) – "EnviroStor" database
- CORTESE – "Cortese" Hazardous Waste and Substances Sites List;
- SWF/LF (SWIS) – Solid Waste Information System;
- LUST – Leaking Underground Storage Tank Information System;

No properties within the annexation area are on the current "Cortese" Hazardous Waste and Substances Sites List. The LUST database search returned one current cleanup site in the annexation area. The site is located at 2335 South Main St. (APN 005-052-03) at an existing tire shop. This is an open cleanup case (Case # 170115) which is being remediated according to the query results.

No other notable hazardous waste sites were found to be located in the annexation project area.

Detailed results of these queries are included in the project file.

Naturally Occurring Asbestos

As discussed above in the Air Quality section of this Initial Study (3.3), serpentine rock, which may contain Naturally Occurring Asbestos (NOA) is known to be present in the project region. Serpentine rock containing NOA can release NOA into the air when the rock is broken or crushed. Chrysotile asbestos is the most common form known to occur in Lake County, and within the Lakeport area.

DISCUSSION OF IMPACTS

a) *Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?*

Less than Significant. The proposed annexation project would not include the routine transportation, use, or disposal of hazardous materials that could create a significant hazard to the public. Small amounts of hazardous materials would be used during construction and grading activities likely to occur when property is developed in the future. Hazardous materials would primarily be used during short-term construction activities and would not result in any adverse health or environmental impacts to people in the vicinity of the project area. Additionally, any hazardous material uses would be required to comply with all applicable local, state and federal standards associated with the handling and storage of hazardous materials. Therefore, these impacts are considered less than significant.

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b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less Than Significant. The project includes no direct construction or site improvement activities. Future development within the project area could be accompanied by construction activities including refueling and minor maintenance of construction equipment on location, which could lead to minor fuel and oil spills. The use and handling of hazardous materials during construction activities is required to comply with applicable federal, state, and local laws including California Occupational Health and Safety Administration (CalOSHA) requirements.

Propane is regularly used in the project area as a fuel source. A propane distribution business is also located in the project area. Propane storage and use has the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions. All new projects involving the use of propane and propane storage facilities will be required to comply with the applicable provisions of the California Fire Code and the California Building Code, thereby reducing the potential impact to less than significant.

Additionally, as discussed in the Air Quality section of this Initial Study, grading activities in serpentine areas of the County, including within the project area, have the potential to release NOA into the air. Though the potential release of NOA could happen though normal construction activities (i.e., not just as a result of upset or accident conditions), it is addressed here since this checklist does not provide a specific focus on naturally occurring hazardous materials. As discussed in the Air Quality section, any grading required for future project construction would be subject to the LCAQMD's current regulations which are designed to minimize asbestos release from project construction. Therefore, the impact is considered less than significant.

c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?*

No Impact. School sites include those locations serving the educational needs of kindergarten through grade 12 students. There are no schools within one-quarter (0.25) mile of the project area. No impact is expected.

d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. No parcels are included on the list of hazardous material sites compiled pursuant to Government Code Section 65962.5 according to a recent State/Federal database query. There is no impact.

e) *For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?*

Less Than Significant. Lampson Field is the closest public airport to the project site. GIS data indicates the north end of the airport runway is approximately 1.3 miles south of the south boundary of the proposed annexation area.

The airport's runway is oriented in a northwest to southeast direction similar to Highway

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29. It does not appear that the flight path related to take-offs and approaches extends over any portion of the project area. A less-than-significant impact has been identified.

f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

No Impact. See discussion under e) above. The project is not in the vicinity of any private airstrips; therefore, there is no impact.

g) *Would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?*

Less than Significant. Due to the limited nature and scope of the project and its lack of construction activities, the project will not interfere with an adopted emergency response plan or emergency evacuation plan. There are no proposed construction activities or other changes that would impact emergency response and evacuation in the project area. The resulting change in land use authority would entail a change in the responding police services, from the County of Lake to the City of Lakeport, which is anticipated to reduce response times and increase protection in the area in cases of emergency. No change to existing fire protection services will occur as the area will remain under the jurisdiction of the Lakeport Fire Protection District. Potential impacts to emergency response or evacuation issues are considered less than significant.

h) *Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Less than Significant. The project will not result in the addition of residential or commercial structures within wildland areas at high risk of fire. Future development could place new structures near existing less-urbanized areas, particularly in the eastern portion of the proposed annexation area. Future development could therefore expose future occupiers to limited risk associated with fires. The impacts to this are mitigated through existing regulations related to fire safety, including minimum building setbacks, fire safe regulations, and building practices and materials requirements. Therefore, these impacts are less than significant.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.8	**HYDROLOGY AND WATER QUALITY** Would the project:				
a)	Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f)	Otherwise substantially degrade water quality?	☐	☐	☒	☐
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☒	☐
h)	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☒	☐
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?	☐	☐	☒	☐
j)	Inundation by seiche, tsunami or mudflow?	☐	☐	☐	☒

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REGULATORY SETTING

Federal and state laws and regulations related to water quality and storm water runoff include the following:

Federal Clean Water Act

In 1972, the Federal Water Pollution Control Act was amended, making the discharge of pollutants to the waters of the United States from any point source unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The Federal Water Pollution Control Act was subsequently amended in 1977, and was renamed the Clean Water Act (CWA). The CWA, as amended in 1987, directed that storm water discharges are point source discharges. The 1987 CWA amendment established a framework for regulating municipal and industrial storm water discharges under the NDPES program. Important CWA sections are as follows:

- Sections 303 and 304 provide for water quality standards, criteria, and guidelines.
- Section 401 requires an applicant for any federal project that proposes an activity, which may result in a discharge to waters of the United States to obtain certification from the State that the discharge will comply with other provisions of the act.
- Section 402 establishes the NPDES, a permitting system for the discharges (except for dredge or fill material) into waters of the United States. Regional Water Quality Control Boards (RWQCB) administer this permitting program in California. Section 402(p) addresses storm water and non-storm water discharges.
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the United States. This permit program is administered by the USACE.

The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."[31]

State Requirements: Porter-Cologne Water Quality Control Act

The Porter-Cologne Act was enacted in 1969 and provides the legal basis for water quality regulation within California. This Act requires a "Report of Waste Discharge" for any discharge of waste (liquid, solid, or otherwise) to land or surface waters that may impair beneficial uses for surface and/or groundwater of the state.

The State Water Resources Control Board (SWRCB) and RWQCBs are responsible for establishing the water quality standards (objectives) required by the CWA, and regulating discharges to ensure that the objectives are met. Details regarding water quality standards in a project area are contained in the applicable RWQCB Basin Plan.

States designate beneficial uses for all water body segments, and then set criteria necessary to protect these uses. Consequently, the water quality standards developed for particular water segments are based on the designated use and vary depending on such use. In addition, each state identifies waters failing to meet standards for specific pollutants, which are state listed in accordance with CWA Section 303(d). If a state determines that waters are impaired for one or more constituents and the standards cannot be met through point source controls, the CWA requires establishing Total Maximum Daily Loads (TMDLs). TMDLs

[31] United States Environmental Protection Agency; www.epa.gov/agriculture/lcwa.html

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establish allowable pollutant loads from all sources (point, non-point, and natural) for a given watershed.

State Water Resources Control Board and Regional Water Quality Control Boards

The SWRCB administers water rights, water pollution control, and water quality functions throughout the state. RWCQBs are responsible for protecting beneficial uses of water resources within their regional jurisdiction using planning, permitting, and enforcement authorities to meet this responsibility.

National Pollutant Discharge Elimination System Program

The Central Valley (Region 5) office of the RWQCB guides and regulates water quality in streams and aquifers of the Lake County area through designation of beneficial uses, establishment of water quality objectives, administration of the NPDES permit program for storm water and construction site runoff, and Section 401 water quality certification where development results in fill of jurisdictional wetlands or waters of the U.S. under Section 404 of the CWA.

In October 2003, Lake County, the City of Clearlake, and the City of Lakeport submitted a Storm Water Management Plan (SWMP) and Notice of Intent (NOI), as co-permittees, for compliance with State Waste Discharge Requirements for Storm Water Discharges from Municipal Separate Storm Sewer Systems (General Permit) under the NPDES Phase II Program. On July 7, 2004, Lake County, the City of Clearlake, and the City of Lakeport were authorized to discharge from municipalities' Separate Storm Sewer Systems (MS4s) under the General Permit, provided that municipalities implemented and monitored the SWMP and were in full compliance with the requirements and prohibitions of the General Permit. The SWMP addresses six minimum control measures designed to reduce the impacts of urbanization on water quality:

- Public education and outreach on storm water impacts;
- Public involvement/participation;
- Illicit discharge detection and elimination;
- Construction site storm water runoff control;
- Post-construction storm water management in new development and redevelopment; and
- Pollution prevention/good housekeeping for municipal operations.

To provide for implementation of the Countywide Clean Water Program, Lake County, the City of Lakeport, the City of Clearlake, and the Lake County Watershed Protection District entered into an agreement. Program implementation is achieved through the Lake County Clean Water Program Advisory Council, which makes recommendations for overall program management and coordination, strategic planning, review, budget considerations, and conflict resolution with respect to the NPDES Permit on behalf of all parties of the program.

Projects modifying more than 1 acre of land (in aggregate) are required to submit a NOI to the State Board and apply for coverage under the NPDES Construction General Permit. Administration of these permits has not been delegated to cities, counties, or RWQCBs and remains with the State Board. Enforcement of permit conditions, however, is the responsibility of RWQCB staff, assisted by local municipal or county staff. The City of Lakeport requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) prior to commencing construction. Once construction begins, the SWPPP must be kept onsite and updated as

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needed while construction progresses. The SWPPP details site specific BMPs to control erosion and sedimentation and maintain water quality during the construction phase. The SWPPP also contains a summary of the structural and nonstructural BMPs to be implemented during the post-construction period, pursuant to the non-point source practices and procedures outlined in the SWMP.

Local Stormwater Regulations

The City of Lakeport adopted a stormwater management ordinance in 2006 which is set forth in Chapter 8.40 of the Lakeport Municipal Code. The ordinance requires the provision of Best Management Practices (BMPs) related to water quality during the construction and post-construction phases of a development project. The ordinance also prohibits the direct or indirect discharge of "nonstormwater discharge" into the storm drain system.

The City of Lakeport has also adopted Resolution No. 2272 (2006) which includes rules and regulations establishing performance requirements and BMPs to prevent or minimize the discharge of stormwater pollutants and related water quality impacts. This resolution also references the official adoption of stormwater best management practice handbooks developed by the California Stormwater Quality Association related to municipal operations; industrial and commercial activities; new development and redevelopment; and construction activities. The resolution also indicates that Lakeport City staff shall be responsible requiring conformance with the BMPs set forth in the above-referenced handbooks.

ENVIRONMENTAL SETTING

The proposed project area is generally located along the South Main Street/Soda Bay Road corridor west of Highway 29 adjacent to and south of the City of Lakeport boundaries. The southern project boundary is on Soda Bay Road near where it shifts direction to an east-west alignment.

The primary land uses in the project area are commercial and light industrial, including automobile sales, auto repair shops, agricultural services and supplies, construction supplies, warehouses, a gas station and other service commercial types of businesses. Other land uses include a veterinary clinic, sporting goods store, professional offices, single family houses, vacant lots, and agricultural/grazing land.

As described earlier in this report, the Initial Study/environmental assessment prepared in conjunction with the South Main Street and Soda Bay Road Widening and Bike Lanes Project addresses much of the area of the proposed annexation and includes detailed assessments of the site's physical characteristics, including hydrology information.

According to the above-referenced Initial Study/environmental assessment, wetland habitat is present in the project area including Manning Creek which traverses along a portion of the eastern project boundary. The report also notes the presence of "unnamed tributaries running through the project site, potential wetlands along the east shoulder of South Main Street to the north of SR 175 and roadside runoff ditches that parallel both Soda Bay Road and South Main Street."[32]

County of Lake GIS data identifies a seasonal stream running from west to east across the central portion of the annexation project area in the vicinity of APNs 005-035-10, 008-001-01

[32] South Main Street and Soda Bay Road Widening and Bike Lanes Project; Initial Study with Proposed Mitigated Negative Declaration/Environmental Assessment; May 2011; Pg. 40

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and 008-001-02. Another seasonal stream extends through a portion of the southern project area in the vicinity of APNs 082-093-02 and 082-093-10. Based on the map data, it appears that these two seasonal creeks flow into Manning Creek. Please refer to **Figure 6** for additional location details.

Portions of the project area are located within the boundaries of the 100-year flood zones according to the Flood Insurance Rate Maps (FIRMs) prepared by the Federal Emergency Management Agency. Based on a detailed map (see **Figure 7)** prepared by the County of Lake Public Works Department, the designated flood zones within the project area are in proximity to Manning Creek and the unnamed seasonal creeks described above. Figure 7 identifies several flood hazard zone designations in the project area including AE, AO (1' depth) and AO (2' depth).

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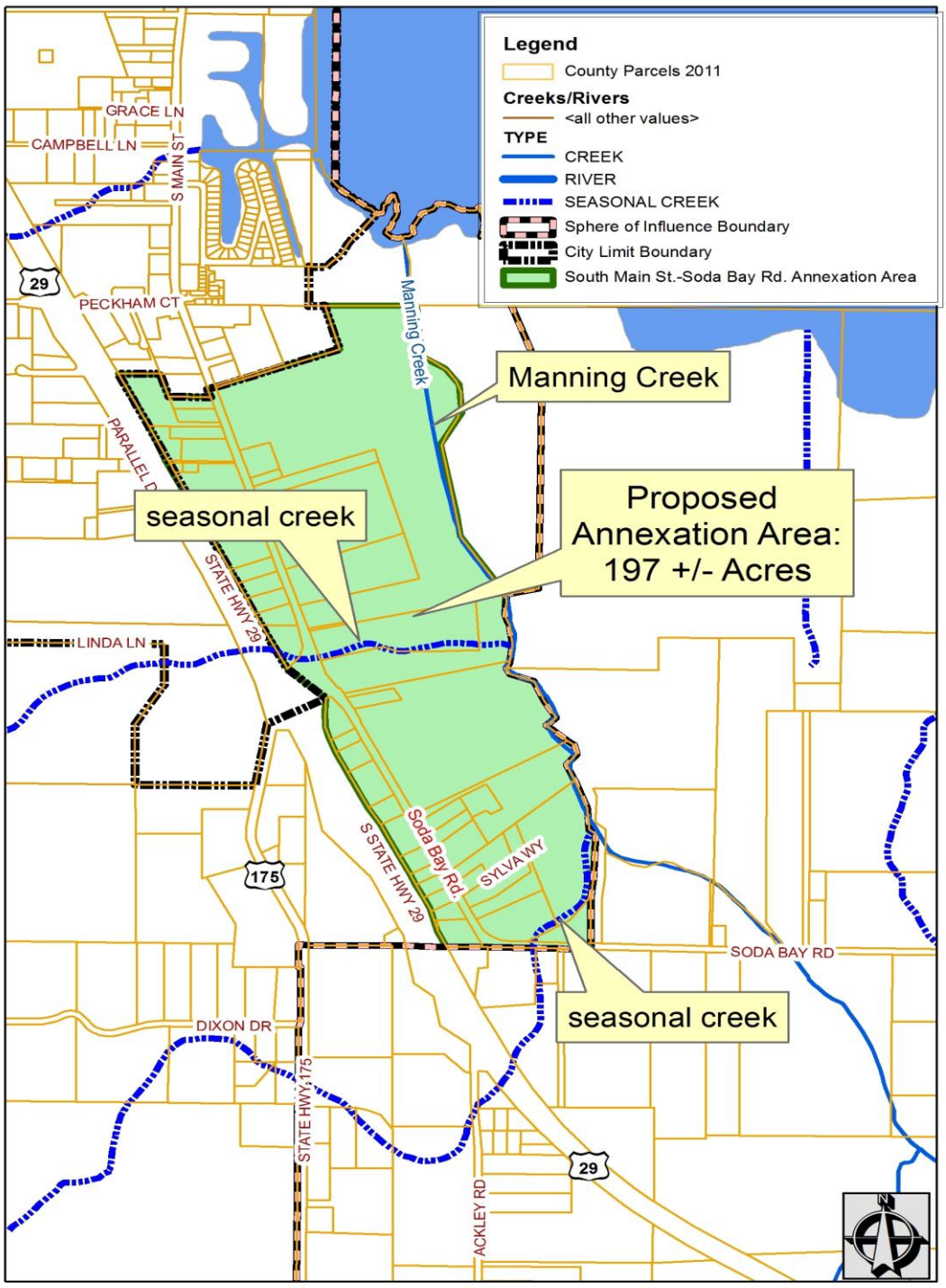


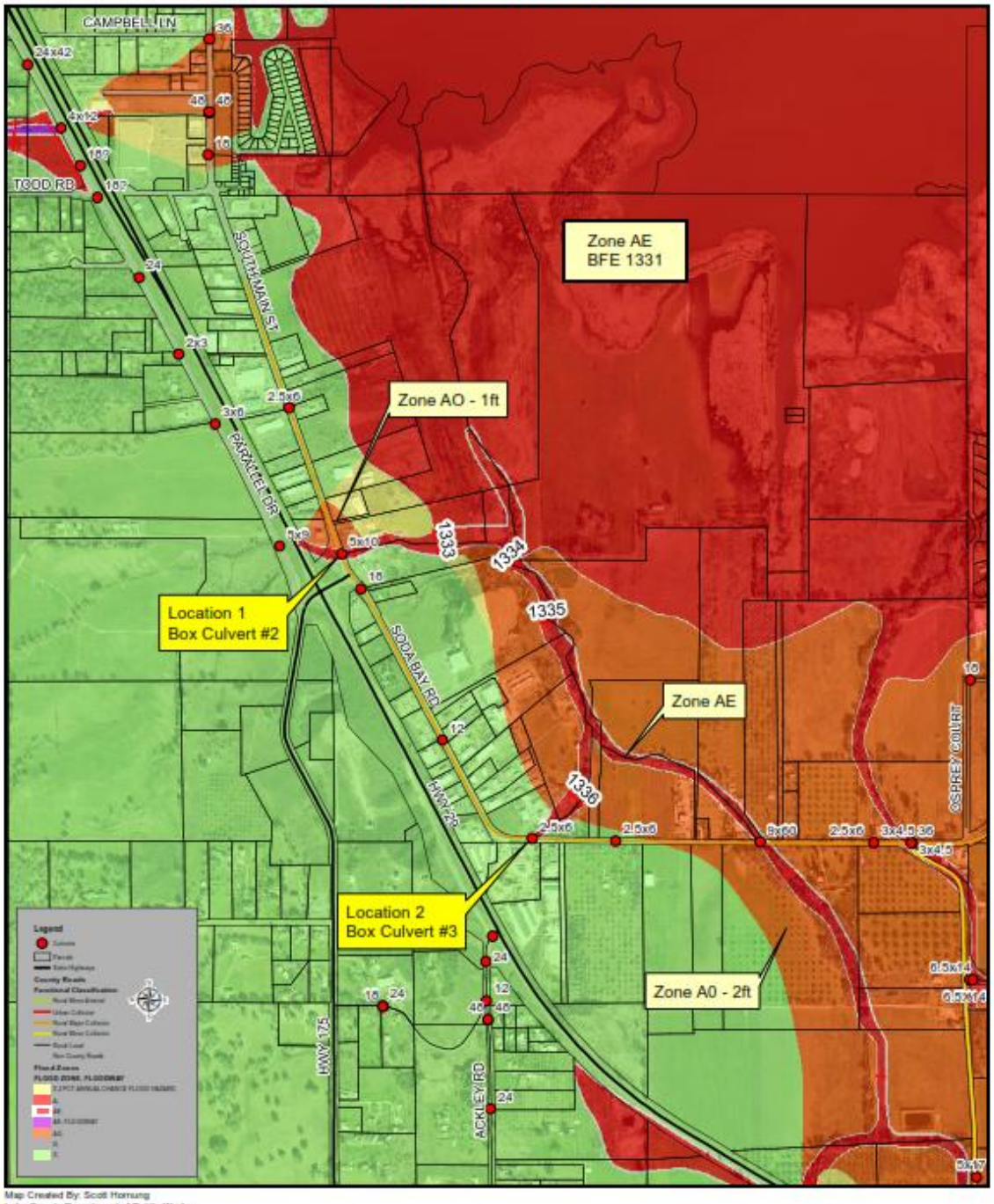
Map Prepared by City of Lakeport
Community Development Department
August 2011

DATA SOURCE:
COUNTY OF LAKE
GIS DEPARTMENT

Figure 6
Creeks & Hydrology

EXCERPT FROM FLOOD INSURANCE RATE MAP

Panel No. 06033C0493D & 06033C0494D
Index Dated September 30, 20005



Map Created By: Scott Hornung
Lake County Department of Public Works

Data Source:
County of Lake
Public Works Dept.

Figure 7
100-Year Flood Zones

DISCUSSION OF IMPACTS

a) Would the project violate any water quality standards or waste discharge requirements?

Less than Significant. The proposed project consists of the annexation of 197 acres to the City of Lakeport. In addition, it can be assumed that portions of the site will likely develop in the future to more urban densities and land uses, consistent with the development patterns found within the City currently and in accordance with the zoning of the individual project site. Future development projects within the project area that disturb more than one acre of land would be subject to the National Pollutant Discharge Elimination System (NPDES) permitting program, which requires the use of Best Management Practices (BMPs) to minimize water quality impacts from construction projects. City of Lakeport regulations are more stringent and require the provision of stormwater BMPs in conjunction with any development project requiring grading or other ground disturbance. BMPs applicable to an individual project are required to be submitted as part of the site plans for any proposed project, which would be available for public review at the City of Lakeport Community Development Department. Typically required BMPs and mitigation measures related to grading and drainage include but are not limited to:

- An erosion control plan will be submitted and reviewed by the City. The plan must include the provision of adequate erosion control measures to ensure that sediment in excess of pre-project site conditions will not leave the project site.
- Exposed slopes are to be revegetated.
- Compliance with the City's stormwater management regulations, the County's Stormwater Management Plan, and the requirements of the RWQCB including the NPDES regulations.
- Submittal of a hydrology analysis which quantifies the net increase in stormwater runoff related to the project's new impervious surfaces (buildings, parking area, driveways, walkways, etc.).
- Submittal of an engineered stormwater drainage plan that addresses the findings of the hydrology analysis and includes the provision of a system capable of collecting and detaining the stormwater generated from the proposed project so that there is no net increase in the flow rate of off-site runoff. On-site retention or detention structures may be required to ensure that there is no net increase in the flow rate of off-site runoff.
- Provision of oil/sediment interceptors/filters as part of the on-site stormwater conveyance system capable of separating petroleum products and other sediments from stormwater runoff. Future maintenance is also addressed in the typical mitigation measure. Vegetated bioswales capable of slowing stormwater and removing harmful sediments and pollutants are also permitted if site conditions warrant the use of an alternative system.
- Erosive velocities in water conveyance structures will be identified by the project engineer. Where necessary, rip rap or similar practices will be required to reduce scouring and erosion.

Due to the use of BMPs as required by City of Lakeport and the City/County NPDES general permit, construction activities associated with the probable future improvements

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would cause less-than-significant impacts to water quality and would not violate any existing waste discharge requirements.

b) *Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

Less than Significant. The proposed project would not contain elements that add to or draw from groundwater. However, future developments in the project area could affect groundwater recharge and utilize groundwater supplies affecting the local water table. Without detailed knowledge of future development plans, it is not possible to assess impacts associated with future projects. Such impacts will be required to be addressed as part of future CEQA review associated with the individual development projects. Mechanisms for mitigation and reduction in impacts are available to such projects.

The annexation of the project area will allow for the extension of the City's municipal water system to serve properties within the area. The availability of municipal water will likely reduce the dependence of private water wells in the project area and thus improve the area's groundwater table level.

Less than significant impacts to groundwater supplies or groundwater recharge are anticipated.

c) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?*

Less than Significant. See discussion under b) above. The project will have no direct impacts to the drainage patterns on the site or within the area. Indirect project impacts may result from future development of the site to more urban densities and land uses. The project area does contain waterways and, as discussed in question a), above, the project would be subject to the requirements of City of Lakeport BMPs and NPDES permit requirements, which would minimize erosion and siltation from the project. Additionally, any future project site plans must include measures to control drainage and runoff from the site that must be adhered to by the project contractor. Therefore less than significant impacts to existing drainage patterns and off-site streams and rivers are anticipated.

d) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?*

Less than Significant. Refer to discussion c) above. The project will have no direct impacts to the drainage patterns on the site or within the area. Indirect project impacts may result from future development of the site to more urban densities and land uses. Future stormwater detention will be necessary for any future development projects on site, as required by existing City of Lakeport regulations; therefore less than significant impacts to drainage patterns and flooding are anticipated.

e) *Would the project create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

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Less than Significant. Reference questions b) through d) above. The project would cause no direct increase in the quantity of runoff generated in a storm event through the increase in impervious areas. Future development projects subsequent to the annexation could increase runoff through the addition of impervious surfaces. This increase would be contained within storm drains sized and constructed in accordance with City of Lakeport standards. Therefore, the project would have a less than significant contribution to the amount and quality of storm water flows in the area.

f) *Would the project otherwise substantially degrade water quality?*

Less than Significant. Refer to questions a) through e) above. The project will have no direct impacts to the water quality on the site or within the area. Indirect project impacts may result from future development of the site to more urban densities and land uses. Any future site-specific projects would be subject to the requirements of the City of Lakeport BMPs and the requirements of the NPDES permit during construction in order to ensure that the project would not contribute to substantial degradation of water quality during construction or operation. This impact is less than significant.

g) *Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

Less than Significant. While portions of the project site are within a 100-year floodplain (see **Figure 7**), no structures of any kind are to be constructed as part of the annexation project. Future residential development (i.e. housing) is unlikely based on the current prezoning designations within the project area. Any potential future development projects within the 100-year floodplain will be subject to CEQA review. In addition, new construction will be subject to the City's Floodplain Management regulations (Ch. 15.16 Lakeport Municipal Code) which are designed to minimize public and private losses due to flood conditions. Therefore, the impact is less than significant.

h) *Would the project place within a 100-year flood hazard area structures that would impede or redirect flood flows?*

Less than Significant. See response to question (g) above. The impact is less than significant.

i) *Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?*

Less than Significant. See response to question (g) above. Portions of the site are located within a 100-year floodplain (see **Figure 7**), but are generally subject to limited seasonal flooding. Low-lying areas of the site including drainage ditches and swales experience ponding during heavy rain cycles.

The project does not propose any additional people or structures which would be at risk of loss, injury or death from flooding. No levees or dams are associated with the project area.

Future development proposals in the project site would be required to address the potential exposure of residents to flood-related hazards under CEQA and comply with existing local regulations related to construction in flood-prone areas. This impact is less than significant.

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j) Would the project be subject to inundation by seiche, tsunami or mudflow?

No Impact. The project area is not located near any ocean coast and is outside the seiche inundation zone identified in the City's General Plan (Figure 18, Safety Element). The proposed annexation and future development activities would not involve the placement of any structures within potential danger zones related to seiches. The project would not be subject to potential impacts involving seiche, tsunami, or mudflows. There is no impact.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.9	**LAND USE AND PLANNING** Would the project:				
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

Land uses within the project area are currently regulated by Lake County's General Plan and its implementing ordinances. The proposed project area is located within the probable future boundaries of the City, as identified in its Sphere of Influence and General Plan policies. The project area is adjacent to the existing City limits and has environmental conditions appropriate for urban development.

Current General Plan land use designations are illustrated in **Figure 8**.

Comments from the Local Agency Formation Commission (LAFCO):

- Make sure LAFCO is mentioned as a responsible agency and include the annexation as what LAFCO will be approving.
- Provide detail to support the City's Plan for Services.

Comments from the County of Lake:

<u>County Assessor</u>

- OK. No changes to parcels. Only TRA (Tax Rate Area) change when it comes through.

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County Administration

The County of Lake Administrative Officer submitted a variety of comments regarding the proposed annexation, including comments related to Land Use and Planning issues. The submitted comments are included in the project file and comments related to Land Use and Planning are paraphrased below followed by City of Lakeport comments.

- The County cannot support the proposed annexation unless an agreement can be reached to fully mitigate the significant adverse impacts this proposed project would have on the County and on the public whom we serve.

  ***Response**: This initial study carefully analyzes the potentially significant environmental impacts associated with the proposed annexation. The CEQA Environmental Checklist was utilized and potentially significant impacts are identified and discussed. Mitigation measures are recommended and are designed to reduce identified impacts to a less than significant level.*

- It appears that there are some inconsistencies between the City's General Plan land use designations and the Pre-zoning designations shown on the Existing Pre-zoning Designation map. We would request that the level of environmental review be appropriate to analyze the perceived inconsistency, and provide clarification and/or mitigation measures to resolve the potential conflict.

  ***Response**: The City reviewed current General Plan and Pre-zoning designations in the project area and found that they are generally consistent. Any inconsistencies are minor in nature. For example, there are no conflicts between residential and commercial or industrial designations as there is no land designated for residential purposes in the annexation area.*

  It is the intent of the City to eliminate or minimize to the greatest extent possible any conflicts in General Plan and Pre-zoning land use designations. This issue does not rise to the level of a significant environmental impact and therefore requires no mitigation.

- We would assume that some level of environmental review was conducted and approved prior to approval of the pre-zoning designations. We recommend that a comprehensive environmental document be prepared for the proposed annexation, as supported by existing case law and CEQA Guidelines, and the previous environmental review be included.

  ***Response**: The current pre-zoning designations were adopted by the City of Lakeport in 1999 with the adoption of Ordinance No. 796. An Initial Study was prepared (File No. ER 98-007) in accordance with CEQA and a Negative Declaration was approved.*

- CEQA Section 15378 defines a 'Project' as "the whole of an action", not the separate governmental actions that may be necessary to complete it. Ideally, a single environmental document will be prepared to address the annexation as well as all related general plan amendment, pre-zoning, sphere of influence or other proposals.

  ***Response**: The only action related to this project is the proposed annexation of approximately 197 acres into the City of Lakeport. No changes to the General Plan, pre-zoning designations, or the Sphere of Influence boundary are proposed at this time.*

- The Urban Boundary Element of the City's General Plan indicates that the South Main Street/Soda Bay Road area is the City's highest annexation priority as it is needed to

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accommodate the City's projected growth. The 2010 Census data lists a population for the City of Lakeport as 4,753, which is nearly 14% below the estimated population figure set forth in the General Plan. Based on the updated Census numbers and the General Plan's stated desire to encourage infill development, we would recommend further review be done as part of the environmental document on the necessity of the proposed annexation project within the life of the General Plan (2005-2025).

***Response**: The designation of the project area as the City's highest annexation priority is unrelated to the need for additional land to accommodate population growth as none of the lands in the project area have residential land use or pre-zoning designations. Table 5 of the Urban Boundary Element (Pg. III-4, City of Lakeport General Plan) sets forth the community development needs during the life of the General Plan and addresses the estimated need for commercial and industrial lands, not just residential lands. The General Plan states that "the projected demand for additional commercial and industrial lands will provide the employment and tax revenue base needed to support the anticipated increase in population through the life of this General Plan."*[33]

- We would like to address some inaccuracies in the City's General Plan EIR, including the fact that agricultural zoning is present in the proposed annexation area. One parcel is zoned "APZ" Agricultural Preserve Zone and is currently subject to a Williamson Act contact due to expire in 2015.

  ***Response**: The City acknowledges the inaccuracy in the EIR with respect to the presence of agricultural lands in the Sphere of Influence.*

  The existing agricultural activity in the project area is discussed in the Agriculture and Forestry section of this Initial Study (Section 3.2). See responses to Sections 3.2 a) and 3.2 b), including a proposed mitigation measure related to any existing agricultural activities in the annexation project area.

- The annexation project area makes up a substantial percentage of the discretionary tax revenue received by the County, which is used to support infrastructure systems within the vicinity. While we understand that under CEQA Guidelines, economic or social effects shall not be treated as significant effects on the environment, CEQA Section 15131(b) states, "Economic or social effects of a project may be used to determine the significance of physical changes caused by the project." We request that the environmental document analyze the economic impacts the proposed project would have, both on the level of service provided to the properties within the project area, and the impact the change in revenues will have on the County's ability to provide essential public services, including but not limited to the provision and maintenance of the infrastructure, protection of natural resources and protection of the public's health, welfare and safety within the County's jurisdiction.

  ***Response**: The Urban Boundary Element of the City's General Plan includes discussion regarding the potential financial impact to the County of Lake associated with annexation projects:*

  > Potential revenue losses to counties resulting from annexations have created problems in the relationship between cities and counties in California, and Lake County is no exception. In order to accomplish a smooth transition, the County of Lake and the City of Lakeport should enter into an agreement that outlines

[33] City of Lakeport 2025 General Plan; Urban Boundary Element; Page III-4

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procedures and understandings for future annexation areas. The Lakeport area's planned growth will, at some time, require annexation to the City. Long range planning in the Lakeport SOI should reflect a vision shared by both parties, and contain a revenue stream that can be relied on for the duration of the agreement. An agreement will permit both parties to focus their limited resources on other matters; its absence will necessitate that the City and County coordinate their planning programs in a piecemeal fashion.[34]

The City and County will enter into a tax-sharing agreement before the annexation can be approved by LAFCO. This tax-sharing agreement is intended to minimize the potential economic impacts to the County resulting from the annexation.

The City anticipates that a tax-sharing agreement will be approved as was the case with other Lakeport-area annexation projects including:

- *Pelzel-Fowler annexation (1994, 9.97 acres)*
- *South Lakeport annexation (1995, 74.68 acres). This project also included a sales-tax sharing agreement that provided the County with a sales tax revenue stream for a seven year period.*
- *Prendiville annexation (1995, 1.15 acres)*
- *Parallel Drive annexation (2008, 157 acres)*

- The County response cites a comment submitted by LAFCO as part of the City's General Plan EIR that is related to the "cumulative service impacts subsequent development and growth in the City may have on various local service providers such as the Lake Co. Sanitation District and the County as a whole. We assume subsequent development will undergo additional environmental review on a project by project basis, which may later be used by LAFCO in considering individual future annexations." The County response also notes the City's response to LAFCO's comment. The County indicates that the "impacts of the proposed annexation have not been analyzed as part of the General Plan EIR and as a subsequent project, require additional review. The proposed annexation, based on the existing land use designations, would potentially have cumulative impacts pursuant to CEQA Section 15130, and additional review should be required.

  ***Response**: There is a not a factual basis provided to justify the statement that there are cumulative impacts associated with the annexation project. The City is conducting an appropriate level of environmental review for this project in accordance with CEQA.*

  CEQA Section 15130 indicates that "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in Section 15065(a)(3). Section 15065(a)(3) states that "'cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." The Mandatory Findings of Significance section of this Initial Study (Section 3.17) includes a question (3.17 b) which addresses the potential cumulative impacts associated with the proposed annexation.

[34] City of Lakeport 2025 General Plan; Urban Boundary Element; Page III-2

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- We recommend that at a minimum the Lead Agency provide a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration and provide a public review period prior to adoption of a proposed Negative Declaration or Mitigated Negative Declaration, pursuant to CEQA Section 15072 and 15105(b).

  ***Response**: The draft Initial Study/Mitigated Negative Declaration will be properly noticed and circulated in accordance with CEQA.*

- Based on the complexity and uncertainty related to the potentially significant impacts listed above and as defined by CEQA, we strongly recommend that an Environmental Impact Report be prepared to further analyze these impacts. In the event that the Lead Agency elects to propose adopting a Mitigated Negative Declaration, we request that a minimum 45-day review period be initiated based on the project being a project of area wide significance pursuant to CEQA section 15206.

  ***Response**: CEQA Section 15206(a)(3) sets forth specific criteria used by a lead agency to determine if a project is of statewide, regional, or area wide significance. Based on a review of these criteria, the proposed annexation project does not meet the standard of a project that has statewide, regional, or area wide significance.*

  CEQA Section 15105(b) indicates the public review period for proposed negative declarations or mitigated negative declarations is 30 days when the document is submitted to the State Clearinghouse for review by state agencies. The City will comply with all applicable notice and review regulations.

DISCUSSION OF IMPACTS

a) Would the project physically divide an established community?

No Impact. The proposed annexation project includes land that falls under the current jurisdiction of the County of Lake as far as General Plan, zoning and other land use related ordinances. The County has assigned commercial or light industrial general plan and zoning designations to much of the land within the project area. The pattern of existing land development reflects the commercial and industrial land use designations. The City of Lakeport has included the 197 acres of area within its General Plan Sphere Of Influence boundary, has applied General Plan land use designations and has pre-zoned the proposed annexation parcels. The South Main Street-Soda Bay Road corridor is contiguous to the existing City limits on two sides (north and west). This area is part of the established community of Lakeport. If there were no City limit or County road maintenance signs, the general public would not have an awareness of a distinction between the City of Lakeport or Lake County jurisdiction. The South Main Street name starts in downtown Lakeport and extends south as a continuous street approximately 1.75 miles to the Highway 175 intersection where the street transitions to Soda Bay Road. The annexation of the 197 acres of land to the City of Lakeport would not result in the physical division of the established community of Lakeport. No impact is identified.

b) Would the project conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The Lakeport General Plan is the land use and policy document regulating the City's stance with regards to growth and expansion of the City's boundaries. The

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Lakeport General Plan specifies the project area as the top priority for annexation to the City[35], and no policies or regulations of the City will be violated as a result of the annexation. The EIR completed for the General Plan update assumed that this project area will be annexed.[36] The annexation of the 197 acres to the City of Lakeport will not conflict with an applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No impact is anticipated.

c) *Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?*

No Impact. No habitat conservation plans or natural community conservation plans are in place now or applicable to the project area. The project would have no impact with regard to these types of plans. The Lakeport General Plan does identify parcels of land along the Manning Creek area as Open Space–Parkland, presumably due to the fact that there is a flood plain in this area and very low development potential due to environmental issues, lack of access and lack of utilities.

There is also land along the east side of South Main Street near the current City limit boundary that is used for cattle grazing and designated Urban Reserve. Annexation of these areas will not result in any changes in land use and as such there is no impact.

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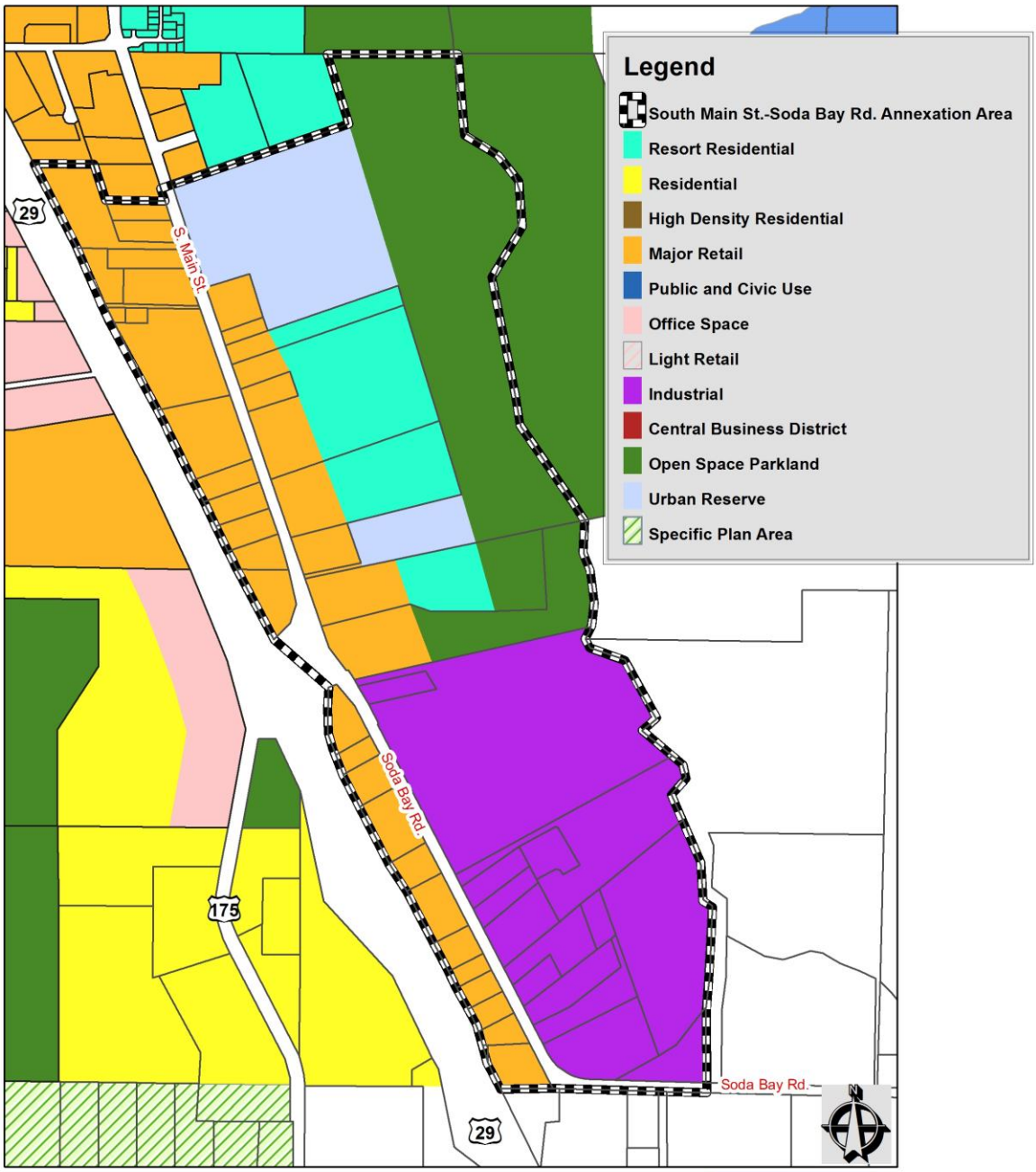
[35] City of Lakeport 2025 General Plan; Urban Boundary Element, Policy UB 2.2; Pg. III-5
[36] City of Lakeport General Plan Draft EIR; Pg. 3-88



Map Prepared by City of Lakeport
Community Development Department

Data Source: City of Lakeport General Plan

FIGURE 8
GENERAL PLAN
DESIGNATIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.10 MINERAL RESOURCES Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

According to the Lakeport General Plan, there are no mineral extraction sites or other mining operations present within the City or its Sphere of Influence. The General Plan further states that mineral extraction is discouraged within the SOI. [37]

DISCUSSION OF IMPACTS

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The proposed project would not use or extract any mineral resources or restrict access or availability to a known mineral resource area. No impact has been identified.

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. See response to a) above. The project would have no impact on mineral resources. There will be no impact.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporate	Less Than Significant Impact	No Impact
3.11 NOISE Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	☐	☐	☒	☐

[37] City of Lakeport 2025 General Plan; Conservation Element, Pg. VII-4

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporate	Less Than Significant Impact	No Impact
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e)	For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

Of the existing noise sources in the area, the most prominent is traffic noise from Highway 29, as well as noise from a wide variety of commercial uses along the South Main Street and Soda Bay Road corridor. Noise criteria pertaining to project generated noise levels are based on existing thresholds outlined in Chapter 17.28 of the Lakeport Municipal Code as well as the General Plan's noise and land use compatibility standards.[38] The Noise Element of the General Plan includes a variety of objectives, policies and programs which are intended to provide an acceptable community noise environment and minimize noise-related complaints from residents.

DISCUSSION OF IMPACTS

a) *Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?*

Construction-related Noise

Less than Significant. A substantial portion of the project area is currently developed with various commercial uses along with a limited number of low density residential uses. Future development or redevelopment activities subsequent to the annexation could

[38] City of Lakeport 2025 General Plan; Noise Element, Pg. IX-5

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increase noise levels temporarily in the project area. Actual noise levels would depend on the type of construction equipment involved, distance to the source of the noise, time of day, and similar factors. However, these increases would be temporary and intermittent. Potential impacts related to construction generated noise will be reduced to a level of less than significant through standard mitigation measures, conditions of approval and best management practices that are imposed in conjunction with building permits, tentative maps, subdivision maps, and other planning-related land use approvals.

Traffic-related Noise

Less than Significant. The proposed annexation will not result in any direct increase in noise levels above those currently existing in the project area. Eventual development consistent with the area's zoning will create additional traffic during construction and operation, and will increase noise generation on the site and within the project area due to the additional vehicles. Increases to noise levels within the project area and its surroundings can be effectively mitigated through the incorporation of mitigation measures such as time limitations on construction activities, use of slopes and vegetation to provide screening for noise, and adequate buffering between land uses. These mitigation tools will be applied on a case-by-case basis, as warranted, and are sufficient to ensure that noise impacts can be mitigated to a less than significant level.

b) *Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Less than Significant. No direct vibrations or groundborne noise would occur as a result of the project. Potential groundborne vibration or groundborne noise levels would most likely occur as part of construction activities associated with the future development of individual parcels within the annexation area. These construction activities would be temporary in nature and would be subject to limited construction hours as part of the City's standard mitigation measures and conditions of approval for building permits, tentative maps, subdivision maps and other land use approvals. This will ensure less than significant impacts from construction-related groundborne vibration and groundborne noise levels.

c) *Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less than Significant. Refer to the analysis in discussion a) above. In addition, the City's Municipal Code[39] requires the following noise considerations during the review of new land use and development proposals:

a. A standard of 45 db for indoor noise in all new residential development including hotels and motels.
b. The preparation (if necessary) of noise studies and noise attenuation features as a condition of approval for new projects.
c. Post-construction testing for residential and office projects that are proposed in areas that have an existing Ldn of 65 dB.

Existing regulations will help ensure that future noise impacts will be adequately mitigated. This impact is less than significant.

[39] Lakeport Municipal Code Section 17.28.010 A.2

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d) *Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less than Significant. As noted previously in this section, no temporary or periodic noise increases are anticipated to occur as a direct result of the annexation project. It is likely that the annexation of the property to the City of Lakeport will allow for the eventual development or redevelopment of portions of the project area with more urban uses, which will require construction activities that have the potential to increase noise levels within the site and its surroundings. Noise generated from equipment during construction activities would result in periodic increases in ambient noise levels in the vicinity of the project area above existing levels. However, these increases would be temporary, intermittent, and would be subject to limited construction hours as required by the City of Lakeport as a condition of approval, to ensure less than significant impacts from construction-related noise. Complaints related to construction noise are investigated by the Lakeport Community Development Department and modifications to the project construction activities can be required depending on the nature and veracity of the complaint. This impact is less than significant.

e) *For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

Less than Significant. As described in Section 3.7 e) of this report, Lampson Field is the closest public airport to the project site. The north end of the airport runway is approximately 1.3 miles south of the south boundary of the proposed annexation area. The airport's runway is oriented in a northwest to southeast direction similar to Highway 29. The flight path related to take-offs and approaches does not appear to extend over any portion of the project area. The physical orientation of the airport's runway combined with the small aircraft accommodated by the facility minimizes the amount of airport-related noise in the project area. The impact is less than significant.

f) *For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

No impact. Refer to e) above. The proposed project area is not within the vicinity of a private airstrip. There is no impact.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.12	**POPULATION AND HOUSING** Would the project:				
a)	Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

The annexation project area consists of 197 acres of commercial and industrial land along with some land used for agricultural and residential use. A small number of residences are also in the project area.

DISCUSSION OF IMPACTS

a) *Would the project induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?*

Less than Significant. The annexation of this area to the City of Lakeport has the potential to result in the extension of a water main, and thus induce some population growth within the City. It is unlikely that this rate of growth will be substantially higher than what has occurred under County jurisdiction as the County has allowed commercial and industrial development without any apparent limitations. This area is within the City's Sphere of Influence, which reflects the probable future urban boundaries of Lakeport. The area is contiguous to the existing City limits and its annexation will result in orderly, efficient growth patterns. The potential population growth resulting from this project is consistent with the projections set forth in the Lakeport General Plan[40] and is appropriate for the City. There will be minimal population growth as a result of the annexation project since there is no residential land included in the area. The environmental impacts of the potential population growth are considered less than significant.

b) *Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

No Impact. No structures or residential houses would be displaced as a result of implementation of the proposed project and therefore no replacement housing will be needed. There is no adverse impact.

c) *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

No Impact. As discussed in b) above, the project would not involve the removal or relocation of any housing, and would therefore, not displace any people or necessitate

[40] City of Lakeport 2025 General Plan; Urban Boundary Element, Pgs. III-3, III-4

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the construction of any replacement housing. There is no impact.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.13 PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

ENVIRONMENTAL SETTING

The proposed project would annex approximately 197 acres into the City of Lakeport, adjacent to the existing City limits along the southern boundary of the City. The annexation of this area would establish the City of Lakeport as the primary service provider for police, parks, general government, and other services. Fire protection and school services would continue to be provided by the districts currently serving the properties within the annexation area.

DISCUSSION OF IMPACTS

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

a) Fire protection?

Less than Significant. The proposed annexation area is currently served by the Lakeport Fire Protection District, which is independent of the City. The annexation to the City will not result in a change of fire service providers, nor will the annexation result in any additional demands or changes in level of service to the site. Eventual development of the site with more urban uses would result in an increased number of structures on the site, which would increase service demands for the District. Fire mitigation fees for new commercial development, as well as project-specific mitigation measures applied to future development proposals, are sufficient to ensure that future projects offset the

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additional impacts created to the District. The Lakeport Fire District has submitted correspondence indicating that they are "in full support" of the proposal.[41]

The District believes the City of Lakeport considers life safety as a priority[42] and provided the following list of reasons why the District supports the proposed annexation:

- *Being able to supply city water to the proposed annexation would improve the needed fire protection.*
- *The installation of water mains to the proposed annexed area would be a potential savings of taxpayer's fire insurance.*
- *In the proposed annexation area there are many larger commercial complexes that with the water line expansion would lessen the potential fire loss.*
- *This expansion and the expansion on Parallel Drive would allow the two water lines to be looped. Having a looped system would greatly improve the required water needed to service both areas.*
- *Having the much needed water mains in the proposed annexation area would make the unimproved properties appealing for growth.*

b) Police protection?

Less than Significant. The annexation area is currently served by the Lake County Sheriff's Department, although the Lakeport Police Chief indicates South Main Street is part of a patrol route that the Lakeport Police Department maintains on a regular basis. The annexation would change the police protection services to the Lakeport Police Department, which would be responsible for all public safety functions in the area. City Police Department officers have a much more limited service area, and response times are faster within the City limits than in most areas of the County. The change in service provider will likely result in improved police services to the site, although it will increase the overall service demands on the Police Department.

c) Schools?

Less than Significant. The proposed annexation project would not change the school district providers or affect district boundaries. The annexation of the area to the City of Lakeport would likely result in the future commercial development of portions of the area, which could add student population to the area. School impact mitigation fees are collected on new residential and commercial development by the school district to offset the impacts resulting from new homes and additional population. The impact is less than significant.

d) Parks?

Less than Significant. The proposed annexation project would not include elements that would increase human presence in the area; future residential developments would be required to provide for parkland or pay appropriate in-lieu fees, as required by the Lakeport subdivision ordinance, to offset impacts. Therefore the project would have less than significant impacts for parks or governmental resources necessary to maintain parks.

[41] Correspondence from Ken Wells, Fire Chief of the Lakeport Fire Protection District; May 2, 2011
[42] Ibid.

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e) Other public facilities?

Less than Significant. The project would not directly result in increased demand for other public facilities. The annexation of the property could impact the local services provided by the City, as businesses and residents in the project area would utilize these services rather than County service providers. Future projects may also add to the demand for service at these facilities.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.14 RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

The City of Lakeport maintains a system of parks, recreation facilities and open space for its citizens. The City has approximately 63.5 acres of parkland not including recreational facilities at the local public schools. A small percentage of the City's total parklands are currently developed for park and recreational uses. Lakeport's park and recreational facilities include: parks, sports centers, a public swimming pool, and partially-developed parks. Community use of school playing fields provides additional recreational facilities.

No public recreational facilities have been identified in the project area and there are no known plans to develop new recreational facilities in the project vicinity. The proposed annexation project does not contain any features that would create additional recreation facilities.

DISCUSSION OF IMPACTS

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than Significant. The proposed project would not create any new demand for any type of recreational facilities. Eventual commercial development in the project area may result in additional residents in the Lakeport area which could increase demand for parks and recreational areas in the community. The annexation-related impacts to park and recreational facilities within the City are considered less than significant.

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b) Does the project include recreational facilities, or require the construction or expansion of existing facilities, which might have an adverse physical effect on the environment?

No Impact. The proposed annexation project does not include recreation facilities, and would not require the construction or expansion of existing recreational facilities. Therefore, the project would have no impact on environmental conditions associated with park construction. There is no impact.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.15	**TRANSPORTATION/TRAFFIC** Would the project:				
a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b)	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e)	Result in inadequate emergency access?	☐	☐	☒	☐
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐

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ENVIRONMENTAL SETTING

The transportation/traffic system in and around the City of Lakeport consists of State Highways 29 and 175 and a network of arterials, collectors, and local streets. The area is rural in nature, however there are some streets in the annexation project area that experience relatively high volumes of traffic. The annexation project area is served by the primary arterial street – South Main Street, which then transitions to Soda Bay Road. South Main Street and Soda Bay Road extends in a north/south alignment through the annexation project area and provides public road right-of-way access to many individual developed and undeveloped parcels which front directly onto it. There are a few minor streets, driveways and/or private roads that intersect South Main Street and extend in to provide access/frontage to private property. Existing traffic volumes in the vicinity of the annexation project area on South Main Street are 7,890 ADT (LOS D) at Peckham Court and on Soda Bay Road are 5,790 ADT (LOS C) at the SR175 Extension[43]. South Main Street and Soda Bay Road is an important traffic corridor which provides a direct link between the City of Lakeport and Kelseyville, Soda Bay, Big Valley, Kelseyville Riviera and other south shore areas.

In May of 2011, the California Department of Transportation and the Lake County Department of Public Works prepared and circulated an Initial Study (IS)/Environmental Assessment (EA) which examines the potential environmental impacts associated with the South Main Street and Soda Bay Road Widening and Bike Lanes Project. The IS/EA describes the proposed project, the affected environment, environmental consequences, and avoidance, minimization and mitigation measures.

DISCUSSION OF IMPACTS

a) *Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

Less than Significant. The proposed project would not result in a substantial increase in existing vehicle trips on the roadway system. The annexation of the area will likely include the eventual development of the area to more urban uses, consistent in character and scale with the rest of the City. Additional traffic loads will be generated by commercial and industrial development as individual development proposals proceed. Distribution of new vehicle trips, increases in traffic at intersections and along roadway segments, and changes to the volume to capacity ratios of local roads will be determined by planned roadway alignments and densities. Potential impacts to pedestrian and bicycle paths and mass transit will also be considered. Transportation-related impacts will be addressed on a project by project basis, with resulting impacts able to be mitigated through design changes or construction of new facilities and improvements designed and built in accordance with all applicable plans, ordinances and policies.

The project is not associated with any construction or land use development. Future development in the project area could result in the development of individual properties at densities and intensities greater than currently existing on the site. Any future project

[43] South Main Street and Soda Bay Road Widening and Bike Lanes Project; Initial Study with Proposed Mitigated Negative Declaration/Environmental Assessment, Page 8; May 2011

would be subject to approval by the City's Community Development Department or City Engineer, who reviews site plans and transportation configurations for consistency with locally adopted and implemented ordinances and programs for alternative transportation.

The construction and improvement of South Main Street and Soda Bay Road consistent with the CalTrans and County plans will result in significant increase in capacity and will accommodate projected traffic volumes in the project area.

There is no indication that the project will conflict with any plan, ordinance or policy establishing measures of effectiveness for performance of the circulation system in the project area. The impacts from this project are less than significant.

b) *Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

No Impact. This checklist question asks if the project will exceed, individually or cumulatively, a level of service standard established by the "county congestion management agency." Lake County has not established a congestion management agency according to the Lakeport City Engineer. As such, this question is not applicable to this project and there is no impact.

As discussed in a) above, transportation-related impacts will be addressed on a project by project basis with appropriate mitigation required to reduce identified impacts to a less than significant level.

c) *Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

No Impact. The project does not propose any structures or other improvements that would result in changes to air traffic patterns associated with Lampson Field which is located approximately 1.3 miles south of the south boundary of the proposed annexation area. No impact is expected.

d) *Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Less than Significant. The annexation project will not increase hazards related to design features or incompatible uses because it involves a change in administrative jurisdiction and reorganization of City-County boundaries. There is no construction or development associated with the annexation proposal. As previously mentioned CalTrans and Lake County have circulated an environmental document for the proposed South Main Street / Soda Bay Road Widening and Bike Lane Project, which addresses the potential environmental impacts associated with that improvement project. That project is independent and separate from the annexation project. Future development in the annexation area could result in the expansion or construction of new property access points, new driveways, and other improvements necessary to accommodate specific development projects. Future development would be subject to review by the City and compliance with CEQA. The impact is less than significant.

e) *Would the project result in inadequate emergency access?*

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Less than Significant. The project is not associated with any construction or roadway alterations. Future development on the site could result in the expansion or construction of new roadways to serve traffic volumes generated by growth. Any future project would be subject to approval by the City Engineer, who reviews roadway alignments and sight distances to ensure primary and secondary access to commercial and residential properties for emergency service personnel and equipment. The impact is less than significant.

f) *Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

Less than Significant. The project is not associated with any construction or land use development. There is no indication that the annexation project will conflict with adopted policies, plans or programs related to public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities. Future development on the site could result in the development of individual properties at densities and intensities greater than currently existing on the site. Any future project would be subject to approval by the City's Community Development Department or City Engineer, who reviews site plans and transportation configurations for consistency with locally adopted and implemented ordinances and programs for alternative transportation. The impacts are less than significant.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.16	**UTILITIES AND SERVICE SYSTEMS** Would the project:				
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider that 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?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

The annexation project area is located south of the existing City limits. The annexation project area is currently served by the following utility providers:

- Water – None. On site water is provided.
- Wastewater – County Special Districts provides collection facilities. Wastewater is processed by the City of Lakeport Municipal Sewer facilities by agreement with the County.
- Storm Water – Lake County Public Works.

Comments from County of Lake Special Districts:

- The sewage collection within the proposed annexation area, Assessment District 9-3, is operated and maintained by the Lake County Sanitation District (LACOSAN).
- The District is not proposing a detachment from LACOSAN at this time.

DISCUSSION OF IMPACTS

a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less than Significant. The proposed annexation project will not produce additional wastewater, and therefore there would be no impact to wastewater treatment facilities. The South Main Street-Soda Bay Road area is currently served by the Lake County Special Districts-South Lakeport/Lands End Wastewater Collection system.

The South Lakeport wastewater collection system serves customers in the Assessment District (AD) 9-1 and AD 9-3, from Lands End, and portions of the Big Valley Rancheria, Soda Bay Road and South Main Street. Raw wastewater is conveyed through a series of lift stations and collection points and ultimately treated at the City of Lakeport's Wastewater Treatment Facility.

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The Central Valley Regional Water Quality Control Board (CVRWQCB) issues permits and sets standards for operation of the municipal wastewater treatment facilities. The City of Lakeport is operating in compliance with the CVRWQCB cease and desist order. According to the City's Utility Director, the City will be receiving a new operating permit with increased capacity as a result of recent improvements to the treatment and disposal facilities. The wastewater treatment plant for the City of Lakeport Municipal Sewer District (CLMSD), located south of the project site, has sufficient capacity to serve projected growth in the City and additional growth beyond that projected in the existing General Plan. Even with potential future projects on the project site, no wastewater treatment requirements would be expected to be violated or exceeded. The impacts are less than significant.

b) *Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Less than Significant. Refer to response to a) above. The annexation project will not directly result in the need for any additional water or wastewater treatment facilities or expansion of existing facilities. Probable future development projects in the area would likely require connection to and service from the water facilities of the City and wastewater facilities of the CLMSD. The City has water and wastewater collection and distribution lines within and adjacent to the annexation area, which can be extended to provide service. The extension of these lines may result in environmental impacts, depending on the location and size of the extensions. Such impacts cannot be known prior to the application for future developments, as the size, location, and timing of construction are all variable depending on proposed improvements. Impacts to the environment resulting from such utility extensions will be considered in CEQA review of future development proposals. The impacts resulting from the annexation project are less than significant.

c) *Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Less than Significant. Refer to response a) above and Section 3.8 Hydrology and Water Quality, questions e) and f). The annexation project will not directly result in the need for any additional storm water drainage facilities. The probable future development of portions of the annexation area will result in the need for expanded on and off-site stormwater drainage facilities to ensure no net increase in runoff, as required by the City of Lakeport. Existing regulations are sufficient to ensure that future projects will mitigate impacts to a less-than-significant level, and will be fully addressed and disclosed in CEQA review of such projects. The proposed project will not create adverse impacts to storm water drainage facilities. The overall impacts are less than significant.

d) *Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

Less than Significant. The proposed annexation project will require no increase in water service to the area. Future development of the annexation area will result in additional users and facilities, thus requiring additional potable water. According to the City's Municipal Service Review (2004), the City has sufficient water supply available to serve projected growth through 2020, including a population of several thousand residents

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more than currently reside in the City. The City's Utilities Director has indicated that the City's water system has capacity to serve the area.

With sufficient entitlements and physical supply provided for, the impacts to the City's water supply are less than significant.

e) *Would the project result in a determination by the wastewater treatment provider that 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?*

Less than Significant. The proposed annexation project will not directly result in the production of any additional wastewater. Future development of the annexation area will result in the creation of new businesses which generate wastewater, requiring treatment and disposal by the CLMSD. According to the City's Utilities Director, the City's wastewater system has a capacity of 100 Residential Unit Equivalents at the present time. It is anticipated that this capacity will increase when the new permit is issued by the CVRWQCB. The Utilities Director points out that the South Main Street – Soda Bay Road area is already connected to sewer and is served by CLMSD, so the impact of annexation on the sewer system will be minimal. The impacts are less than significant.

f) *Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

Less than Significant. The proposed project would not directly result in the production of any additional solid waste. Solid waste generated by the future projects on the site could include construction debris, excess construction materials, and usage waste generated by employees and users of businesses. Solid waste disposal would occur in accordance with federal, state and local regulations.

Most solid waste from Lakeport is transferred to the East Lake landfill, located on a 32 acre parcel just outside the City of Clearlake. The landfill has a total capacity of 6 million cubic yards and is expected to reach total capacity between 2020 and 2025.[44] Therefore, the project area will be served by a landfill with sufficient capacity and is expected to comply with all applicable solid waste regulations. This impact is considered less than significant.

g) *Would the project comply with federal, state and local statutes and regulations related to solid waste?*

No Impact. The proposed project would conform to all applicable state and federal solid waste regulations, therefore, there would be no impact.

[44] City of Lakeport General Plan Update, Draft EIR, Pg. 3-158

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3.17	**MANDATORY FINDINGS OF SIGNIFICANCE**	Would the project:			
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	☐	☐	☒	☐
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

DISCUSSION OF IMPACTS

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?

Less than Significant with Mitigation. The proposed project would annex existing developed and vacant lands to the City of Lakeport. Eventual development of the annexation area is anticipated consistent with the City of Lakeport General Plan. As discussed throughout this environmental document, the project will not result in significant impacts to cultural, historical or archeological resources, nor would the project substantially reduce the habitat or population of any plant or animal species. Potentially significant impacts to Agriculture and Forestry Resources, Biological Resources, Cultural Resources, and Geology and Soils have been identified but can be mitigated to a less than significant level as described in the analysis.

b) Does the project have impacts that are individually limited, but cumulatively

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considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Less than Significant. The proposed project will not result in any direct physical impacts to the environment. It is reasonably foreseeable that annexation of the project area will result in a regulatory environment in which future development of portions of the project site are more likely to occur. Impacts related to future development activities on the site may contribute to cumulatively considerable impacts related to traffic volumes, loss of biological resources, or provision of public utilities and related infrastructure. The extent to which impacts related to future projects affect such cumulatively considerable impacts will be directly related to the density, intensity, type, and location of the projects, as well as the mitigation measures applied to the projects at the time of construction and operation.

Without project-level knowledge of such development proposals, it is not foreseeable what impacts could occur or how they could contribute to environmental degradation. Future CEQA review is required for such development proposals, at which time additional mitigation can be applied to ensure appropriate consideration of cumulative impacts. Based on direct effects of this project and reasonably foreseeable future actions, cumulatively considerable impacts are less than significant.

c) *Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*

Less than Significant. The annexation of the project site to the City of Lakeport will not result in any physical changes to the environment. Service providers for limited services and utilities will change, and the project will increase the likelihood that portions of the project site will be developed at greater intensities and densities in the future. There are no aspects of the project that will result in environmental impacts which will adversely affect humans in the project area or its vicinity. Therefore the project would have a less than significant impact on human beings.

LIST OF PROPOSED MITIGATION MEASURES

MM AGRI-1 Subsequent to the annexation of the project area into the City of Lakeport, the City shall catalog all active agricultural activities in the project area. All legal and permitted agricultural activities that are active at the time of annexation shall be recognized by the City of Lakeport as legal activities.

Timing/Implementation: *Subsequent to the annexation of the project area.*

Enforcement/Monitoring: *City of Lakeport*

MM BIO-1 Prior to any proposed construction, a biological analysis will be conducted by a qualified biologist to determine the presence of any special status species within and near the development site. If any are found to be present, a detailed mitigation plan which describes the

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specific methods to be implemented to avoid and/or mitigate any project impacts upon special status species shall be prepared by a qualified biologist. This detailed Special Status Species Avoidance/Mitigation Plan shall be prepared in consultation with the appropriate agency, and shall emphasize a multi-species approach to the maximum extent possible.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: *City of Lakeport*

MM BIO-2 If construction is expected to occur during the typical nesting season (February-August), the developer shall retain a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur on the project site. The survey shall be conducted no more than 30 days prior to ground disturbance at the site.

If there is any lapse in construction activities, and construction resumes during the nesting season, new surveys shall be conducted within 30 days of the re-initiation of construction activities.

If nesting birds are found, a buffer shall be established around the active nest in which project activity ingress will be prohibited, thus ensuring nesting species are avoided and allowed to complete their nesting cycle. Exclusionary fencing shall be established outside the proposed project footprint to prohibit project activity ingress. All required buffers shall be shown on construction plans. If construction activities are proposed to occur during non-breeding season (September-January), a survey is not required and no further studies are necessary.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: *City of Lakeport*

MM BIO-3 For all proposed future land use changes in areas known or presumed to have jurisdictional waters, the future project applicant shall submit a formal wetlands delineation to the U.S. Army Corps of Engineers, in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual, 1987, in order to help determine if wetlands and other waters of the U.S. defined by Section 404 of the Clean Water Act occur with the project study area.

Prior to beginning construction, the developer will obtain all necessary permits from the appropriate resource agencies. These permits may include:

- §401 Water Quality Certification Agreement – California Regional Water Quality Control Board
- §Section 404 Permit – United States Army Corps of Engineers

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Timing/Implementation: *Prior to approval of any discretionary permits for site disturbance or improvement.*

Enforcement/Monitoring: *City of Lakeport*

MM CULT-1 For all proposed future land use changes in areas known or presumed to have archaeological or historical resources, the future project applicant shall retain a registered archaeologist who shall conduct a site survey and prepare a report in accordance with the California Environmental Quality Act. If necessary, a mitigation plan shall be prepared to mitigate any adverse effect resulting from the project. Said report shall be submitted to the City of Lakeport for review and approval prior to the issuance of a construction permit. All recommendations or mitigation measures set forth in the archaeologist's report shall be implemented by the developer. The developer shall immediately cease all development activities in the event that historical, archeological, paleontological or cultural resources are uncovered during the development of the site. If such resources are discovered, a subsequent study and mitigation plan shall be prepared by a registered archeologist and implemented by the developer prior to the recommencement of construction.

MM CULT-2 Prior to the approval of demolition or building permits in the project area that would result in substantial alteration of any buildings/structures that are 45 years in age or older, the City shall ensure that an evaluation of significance per California Register of Historical Resources (CRHR) criteria will be performed. If the evaluation indicates the property is not eligible for listing in the CRHR, no further action is necessary. If any of these buildings are found to be eligible for listing in the CRHR in conjunction with future evaluations, the City shall ensure that the proposed development is consistent with the guidelines established by the State Office of Historic Preservation.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: *City of Lakeport*

MM CULT-3 In the event that human burials or remains are encountered during site activities all work shall cease within 100 feet of the find, and the Lake County Coroner and City of Lakeport shall be contacted immediately along with a representative of the Big Valley Rancheria Band of Pomo Indians. In the event remains are encountered and are determined to be of Native American descent, the project proponent, County Coroner, and representative of the Big Valley Rancheria Band of Pomo Indians shall adhere to Health and Safety Code Section 7050.5, Public Resources Code Section 5097.94 et seq., and Section 15064.5(d) of the CEQA Guidelines.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: *City of Lakeport*

DRAFT

MM GEO-1 Prior to any proposed construction, project applicants shall conduct subsurface investigations as appropriate, and incorporate appropriate UBC foundation design criteria and conform to applicable building codes so that structures and facilities can withstand the various ground-moving forces which could impact the proposed project.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: *City of Lakeport*

MM GEO-2 Prior to any proposed construction, project applicants shall conduct subsurface investigations as appropriate, and utilize only fill materials which do not have the potential to induce, support, or have a high risk of liquefaction during a geologic event.

Timing/Implementation: *Prior to approval of any grading or improvement plans or any site disturbance.*

Enforcement/Monitoring: *City of Lakeport*

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that although the proposed project is subject to CEQA, the project is exempt because the project will not have a significant effect on the environment (based on the attached Initial Study) pursuant to State CEQA Guidelines Section 15061(b)(3).

☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. have been added to the Project. **A MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed Project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, all potentially significant effects: (a) have been analyzed and

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adequately addressed in an earlier **EIR** or **Negative Declaration** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **Negative Declaration**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: August 25, 2011

Printed name: Andrew Britton, Planning Services Manager

DRAFT

Letter 1

Attachment #2

Sierra Club Lake Group

PO Box 27 Lakeport, CA 95453

September 22, 2011

Andrew Britton
Community Development Department
City of Lakeport
225 Park St
Lakeport, CA 95453

RE: proposed Lakeport expansion, AX 11-01

Dear Mr. Britton:

The Lake Group appreciates this opportunity to review the Mitigated Negative Declaration on the city's proposed annexation of 197 acres adjacent to its southeastern border. We support most of the conclusions of this evaluation, and think that on the whole the annexation will allow the normal growth of the city to proceed in an orderly and sensible manner. The parcels immediately flanking S. Main Street and Soda Bay Rd are already developed for urban uses, and their inclusion within the city limits seems entirely appropriate.

However, we were concerned to discover existence of a large tract of "prime" and "locally important" farmland in the northeastern quadrant of the area proposed for annexation. Annexation will inevitably culminate in the eventual loss of this land to agriculture, with the proposal (mitigation measure AGRI-1, p 13) to "catalog all active agricultural activities in the project area" and recognize all active "legal and permitted agricultural activities . . . as legal activities" offering no effective long term support to continued agricultural use, especially if those uses were to change in time. This is in contrast to operative existing policies in the *county* General Plan that actively promote and support farming on agriculturally designated land such as this. Moreover, the eventual conversion of this land to non-agricultural uses would lessen the viability of farming in the adjacent agriculturally zoned parcels in the unincorporated county.

1A

We therefore do not agree with the conclusion (section 3.2-a) that the conversion of prime farmland will be less than significant. Even though the annexation in and of itself will not create a significant impact, it creates conditions that are guaranteed to reduce agricultural viability both inside and outside the annexation area.

The existence of a Williamson Act contract on a parcel within the annexation area makes this action still more problematic. By establishing preferential taxation rates, the Williamson Act is designed to protect agricultural land from conversion to other uses. We strongly recommend the alternative suggested on page 13, to "exclude the parcel that is subject to a Williamson Act contract from the annexation project," which would truly reduce the impact below the level of significance.

Additional concerns are raised by the annexation of sensitive wetland areas. As is stated on p 45, "the proposed annexation would create an additional likelihood that the site will develop at more urban densities in the future," with "future development within

1B

the project area . . . reasonably foreseeable." Urban densities and wetland preservation are inherently in conflict. With nearly 80 percent of its historic wetlands lost to development, the health of Clear Lake depends on preserving the remnants that remain. This area is particularly sensitive because it borders the Big Valley wetlands, which after Anderson Marsh and Rodman Slough are the third-largest remaining segment of Clear Lake wetlands, and an area that has been identified by the Lake County Land Trust as its number one conservation priority. 1B (Cont.)

The proposal to extend the city limits to Manning Creek (and in one small area, across the creek) also raises concerns related to the Clear Lake hitch (*Lavinia exilicauda chi*), a state-listed Species of Special Concern. The spawning grounds of this endemic fish have diminished dramatically in recent years, with an apparent parallel reduction in population numbers that could soon result in its listing as Threatened. As recorded by observations conducted by the Chi Council and available at *www.lakelive.info/chicouncil,* substantial numbers of hitch entered Manning Creek during the 2010 and 2011 spawning seasons. Urban development bordering the creek would almost certainly result in the loss of this breeding territory, as is graphically demonstrated by Forbes Creek in central Lakeport, which once supported a hitch spawning cohort but does so no longer. 1C

Since the sensitive wetland areas largely coincide with those under Williamson Act contract, exclusion of that parcel from the annexation area would also meet these concerns. Otherwise Lake Group strongly recommends that policies explicitly preserving wetlands within the project area be added to the negative declaration, or that the project be subjected to the more exhaustive scrutiny provided by an Environmental Impact Report. 1D

Yours sincerely,

Victoria Brandon

Victoria Brandon
on behalf of the Sierra Club Lake Group

cc:
Mayor Suzanne Lyons
Mayor Pro Tem Stacey Mattina
Councilor Tom Engstrom
Councilor Roy Parmentier
Councilor Robert Rumfelt
Supervisor Anthony Farrington

Letter 2

Attachment #3

Sept. 29, 2011

Andrew Britton
Community Development Department
City of Lakeport
225 Park St.
Lakeport, CA 95453

RE: proposed Lakeport expansion, AX 11-01

Dear Mr. Britton,

The Lake County Land Trust is a local private, non-profit organization that is dedicated to preserving and protecting open space, including prime agricultural lands and wetlands, in Lake County. Therefore, we are commenting on the City of Lakeport's (City) Mitigated Negative Declaration on the proposed annexation of 197 acres adjacent to its southeastern border.

The conclusion that the possible "conversion of prime farmland" will be less than significant can be questioned. As the Sierra Club so aptly points out, "even though the annexation in and of itself will not create a significant impact, it creates conditions that are guaranteed to reduce agricultural viability both inside and outside the annexation area". 2A

We also are concerned about possible impacts to sensitive wetland areas. The Lake County Land Trust is currently involved with a project to preserve and protect wetlands and adjacent riparian zones (henceforth "wetlands") from the southern city limits of Lakeport to Clear Lake State Park through the purchase of conservation easements and/or fee title purchases, including the wetlands within the area proposed for annexation. We have developed a Conceptual Area Project Plan (CAPP) that has been submitted to the State Department of Fish and Game (DFG) and after revision should be accepted by DFG to enable future funding from the Wildlife Conservation Board for this conservation effort. The City's proposal indicates urban densities would likely increase in the future in the project area. Increased urban density likely will conflict with our efforts to protect the remaining unprotected wetlands on the shores of Clear Lake. As you know, 85 percent of the wetlands on Clear Lake have been lost, in part due to untempered development along the lake shore. 2B

We are concerned the City has not taken these issues into full consideration. Perhaps the City should consider a more extensive environmental study, such as an Environmental Impact Report to determine the long-term impacts this annexation will have on agricultural and wetland areas. 2C

Sincerely,
Roberta Lyons
Lake County Land Trust

Letter 3
Attachment #4

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

September 27, 2011

Andrew Britton
City of Lakeport
225 Park Street
Lakeport, CA 95453

Subject: AX 11-01 South Main Street / Soda Bay Road Annexation
SCH#: 2011082072

Dear Andrew Britton:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on September 26, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. 3A

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

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SEP 29 2011

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2011082072
Project Title AX 11-01 South Main Street / Soda Bay Road Annexation
Lead Agency Lakeport, City of

Type Neg Negative Declaration
Description Annexation of 197 +/- acres into the City of Lakeport.

Lead Agency Contact

Name Andrew Britton
Agency City of Lakeport
Phone (707) 263-5613 x28 **Fax**
email
Address 225 Park Street
City Lakeport **State** CA **Zip** 95453

Project Location

County Lake
City Lakeport
Region
Lat / Long
Cross Streets S. Main Street / Soda Bay Road
Parcel No. Multiple
Township 14N **Range** 10W **Section** 24 **Base** MDB&M

Proximity to:

Highways Hwy 29
Airports Lampson Field
Railways No
Waterways Clear Lake, Manning Creek, Forbes Creek
Schools Legacy School
Land Use GP: MR, I, UR, OS/P.
Prezone: See IS: Commercial, limited residential, grazing, and vacant lands.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

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Reviewing Agencies Resources Agency; Department of Fish and Game, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 1; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

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Date Received 08/26/2011 **Start of Review** 08/26/2011 **End of Review** 09/26/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter 4
Attachment #5

LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

885 Lakeport Blvd.
Lakeport, CA 95453
Phone (707) 263-7000
Fax (707) 263-0421

Douglas G. Gearhart
Air Pollution Control Officer
dougg@lcaqmd.net

-MEMORANDUM-

TO: Andrew Britton, Planning Services Manager
City of Lakeport, Planning Dept.

DATE: September 29, 2011

FROM: Franklin Ley, AQT

SUBJECT: City of Lakeport ००० Request AX 11-01 ००० Initial Study - Environmental Review of the proposed annexation of 197 acres into the City of Lakeport

Annexation of these parcels should pose no significant impact to air quality in Lake County. However, the overall development of this area may present significant short term and long term impacts.

The subject project is located on a mapped area known to contain serpentine rock and/or soils. Serpentine commonly contains regulated amounts of asbestos. The District and State of California Air Resources Board regulates surfacing and construction activities involving serpentine. An approved serpentine dust control plan is required for most construction and grading activities. The serpentine dust plan should include provisions for dust control measures to achieve no visible emissions, prevent material track out onto the public road, provide for worker notification of the plan requirements and asbestos hazards, the posting of an asbestos warning notice at the site and the covering of disturbed serpentine surfaces subject to traffic wear or wind erosion with non-asbestos containing materials. Exposed serpentine surfaces that may be subject to vehicular traffic should have restricted access (fencing or other effective barriers) until such time as the surface is adequately covered with non-asbestos material. 4A

Increased air quality impacts from construction generated emissions are expected to result from development of the annexed land. All development projects should utilize adequate dust suppression (frequent watering, palliatives or other methods) during grading, earthworks and building phases of construction. All roads, access and parking areas should be paved or surfaced with acceptable materials. Storage yards and construction areas should be adequately treated to suppress dust. Serpentine rock should not be used as a surface material on the roads, shoulders, paths or other areas where it is subject to wear. Exposed surfaces should be covered and re-vegetated to reduce wind erosion. Construction debris and refuse burning is not allowed.

The current proposal for annexation 197 acres into the City of Lakeport would not be expected to result in significant air quality impacts and a mitigated negative declaration can be supported for air quality concerns.

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COUNTY OF LAKE
COUNTY ADMINISTRATIVE OFFICE
Courthouse - 255 North Forbes Street
Lakeport, California 95453
TELEPHONE (707) 263-2580
FAX (707) 263-1012
e-mail: kellyc@co.lake.ca.us

KELLY F. COX
County Administrative Officer

Letter 5
Attachment #6

September 30, 2011

City of Lakeport
225 Park Street
Lakeport, CA 95453

Re: Comments on the Proposed Mitigated Negative Declaration for the South Main Street/Soda Bay Road Annexation Project (AX 11-01)

Thank you for the opportunity to provide comments in response to the above referenced proposed Mitigated Negative Declaration. This response will begin with general comments on the proposed Mitigated Negative Declaration and then address, in numerical order, each section of the Initial Study Checklist.

General Comments: The County Administrative Office would like to reaffirm our concerns and comments dated July 27, 2011. This document appears inadequate in addressing the County's concerns and in performing a thorough environmental review of the potentially significant impacts of the proposed project as required by the California Environmental Quality Act (CEQA). Further the document appears to sweep aside potential adverse impacts as being less than significant with little or no justification or documentation. After review of this document we adamantly reaffirm our position that the environmental review performed throughout this process has been 'piece-meal', and has not addressed the 'project' as 'the whole of an action' as defined and required by CEQA section 15378. 5A

In addition, pursuant to CEQA section 15064(h)(1), the project meets the definition of being "cumulatively considerable" due to the provided definition stating, "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, *and the effects of probable future projects*." (emphasis added) Based on this definition, the cumulative effect of the proposed project requires the preparation of an EIR. 5B

Based on the submission of the evidence enclosed in this document, the 'whole record' as defined by CEQA section 15064 (f)(5) requires the Lead Agency to determine that the proposed project may have a significant effect on the environment. Additionally, if the Lead Agency disagrees with the evidence put forth in this document, an environmental impact report (EIR) shall be prepared 5C

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SEP 30 2011

pursuant to CEQA section 15064(g) which states, "If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR."

5C CON'T

Recommendations: As stated in our earlier response, and reaffirmed here, that in light of the whole record, the County sees significant and substantial evidence that the proposed project could have a significant effect on the environment and an environmental impact report (EIR) should be prepared.

3.1 Aesthetics: Under 'Discussion of Impacts', section a), the proposed MND states, "The scenic value of this roadway lies in its view of Clear Lake, to the east of the highway." This statement implies that there is a significant scenic value in the project area, which we agree whole-heartedly. The picturesque views of the project area along South Main Street are emblematic of the culture of Lake County. The rural character of the site with the foreground of grazing cattle, native grasses, sensitive wetland habitat, and abundant wildlife frame the stunning views of Clear Lake, Mount Konocti and the northshore ridgeline. Further, the paragraph concludes that, "However, the area's topography and existing improvements effectively limit view of the Lake from the highway. No land use changes are proposed which would negatively impact view of the Lake from this area." While we would agree that the view is limited from Highway 29, and to conclude that the project would have 'No Impact' on a scenic vista from that highway, this is certainly not the case from South Main Street. Future development, as allowed by the General Plan and pre-zoning designations upon approval of this project, would undoubtedly have a substantial adverse impact on the unique scenic vista the site provides from South Main Street.

5D

Recommendations: The draft checklist should be changed to indicate the project would pose a 'potentially significant impact' on a scenic vista, unless the proposed MND incorporates adequate mitigation measures to reduce the impact to less than significant. The mitigation measures should provide adequate control of the land use pattern and the built environment in a way which will reduce the project's impacts. Section c) does not even recognize the scenic quality of the site and should be revised to address the adverse impact on visual character and quality of the site as discussed above.

3.2 Agriculture: We are stunned at the conclusion that the proposed project will cause a 'less than significant effect' on agricultural resources. The proposed MND, under the heading 'Regulatory Setting' includes government code sections related to agricultural resources and specifically related to the Local Agency Formation Commission's (LAFCO) mandate for review of proposed annexations. These sections provide further justification that the proposed project could have a significant effect on the environment. The referenced sub-section a) of Section 56064 of the Cortese-Knox-Hertzberg Act outlines the definition of 'Prime Farmland' upon which the LAFCO is mandated to make decisions on approval of annexations. The section states, "Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use

5E

capability classification; whether or not land is actually irrigated, provide that irrigation is feasible." A review of the United States Department of Agriculture (USDA) Natural Resources Conservation Service database reveals that 162 acres or 86.9% of the land within the annexation area (including only the land not within a public right-of-way, which totals 187.6 acres) is rated either class I or class II. A subsequent review of the Important Farmland Map provided by the California Department of Conservation, reveals that of the total 187.6 acres, Prime Farmland makes up 39.7 acres or 21.2%, Farmland of Local Importance makes up 37.8 acres or 20.1%, Other Land (which in this case is open water) totals 8.0 acres or 4.3%. The remaining 102 acres or 54.4% is already classified as Urban or Built Up Land. A total of 41.3% of the proposed project area, and all of the land that is not either classified as Urban or open water is either Prime Farmland or Farmland of Local Importance. The 'Discussion of Impacts', section a) completely glosses over this information and states that 'the site contains areas of soils which are classified...as Prime Farmland" and "Other areas within the project boundary are identified as Farmland of Local Importance". Under CEQA and the government code sections referenced, the argument that the land is only used for cattle grazing is not an adequate justification to minimize the significant and adverse impact to the agricultural land that will surely result with approval of the proposed project. We also disagree with the justification that, "The proximity of the existing urban/commercial development and the relatively small size of the areas of Prime Farmland or Farmland of Local Importance (approximately 75 acres) make the probability of long term sustained agriculture very low." First, the argument that the areas of Farmland is a 'relatively small size' is completely inaccurate. As previously mentioned this area makes up over 40% of the project area. Second, the County has many examples of successful and intensive agricultural operations co-existing with urban/commercial development. In fact, a review of the Lake County parcels within the unincorporated area show 1,889 parcels, or 87.8% of the total, zoned Agricultural or Agricultural Preserve Zone that are 75 acres or less, within the project area. This does not include the thousands of acres of active agricultural operations that exist on parcels zoned Rural Lands or Rural Residential.

5E CON'T

The proposed MND references Government Code Section 56377 and under section a) states, "Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, *unless that action would not promote the planned, orderly efficient development of an area.*" (Emphasis added by the Lead Agency included here.) With the added emphasis the Lead Agency appears to acknowledge that the approval of the proposed project would have a significant effect on the agricultural land, but that impact is in this case justified because without approval, the orderly development of the City of Lakeport would be restricted. First, the Lead Agency needs to rectify the apparent conflict between this acknowledgement of a significant and adverse impact to the project area's agricultural resources and the proposed determination that the project will have a 'less than significant impact' as shown in the checklist. Secondly, the Lead Agency provides no justification that the land is needed for the planned, orderly, or efficient growth of the City. Further, this

office specifically requested further review of the City of Lakeport's population growth data and projections, and the 'Estimated Demand for Land 2005-2025' analysis which is included in the Lakeport General Plan. No further review appears to have been done by the City, but these numbers clearly do not support the annexation of any land into the City Boundary at this time, and they absolutely do not justify the conversion of Prime Farmland for non agricultural uses.

Recommendations: The above background information and specific references are more than adequate justification to require the correction of the faulty recommendation that proposed project will have a 'Less than Significant Impact' on agricultural resources. Based on the additional information provided in this document, a significant revision of section 3.2 of the proposed MND is requested to adequately address this information. In the event the Lead Agency desires to justify the conversion of Prime Agricultural lands to support the proposed project, a detailed analysis of population growth and demand for land should be included to justify this action.

5E CON'T

The County agrees with the possible alternative listed under 'Discussion of Impacts', section b), '...that LAFCO could choose to exclude the parcel that is subject to a Williamson Act contract from the annexation project.' The County would further recommend that the project scope of the proposed MND be amended to remove the parcel with the Williamson Act contract and be excluded from the proposed project area. Further, we would recommend that any areas which are identified as Prime Farmland, either by the California Department of Conservation or the definition of section 56064 of the Cortese-Knox-Hertzberg Act, be removed from the proposed project area.

While the County disagrees with the majority of the discussion within Section 3.2 of the proposed MND, but nonetheless, at least one specific statement within the discussion under section e) needs to be amended. The discussion states that, "The annexation project would not result in conversion of active farmland to a non-agricultural use..." This statement is incorrect and should read, "The annexation project would not result in the ***direct*** conversion of active farmland to a non-agricultural use..." CEQA requires that both direct and indirect impacts be analyzed as part of an adequate environmental review document, and it is clear that there would be significant and adverse indirect impacts related to agricultural resources from the proposed project.

5F

3.3 Air Quality: At first glance, and within a specific context, the discussion regarding air quality within the proposed MND appears to be adequate. However, the discussion fails to look at the project in the broadest context. It is acknowledged that the "overall development of this area may present significant short term and long term impacts." Based on Lake County being an 'Attainment' area we tend to agree with the submitted response from the Lake County Air Quality Management District that the proposed annexation, "...would not be expected to result in significant air quality impacts and a mitigated negative declaration can be supported for air quality concerns." However, without the

analyzing of alternatives to the proposed project as required in an EIR, we have no clear understanding of the difference in potential impacts between the proposed project and the possible alternative of focusing future development towards an urban infill pattern.

Additionally, air quality problems do not generally result from one project, but from many smaller projects and sprawling, low-density development. This proposed project is a perfect example of the movement away from compact, walkable, infill development practices that cause urban/rural land use conflicts, and exacerbate the problem of expanding numbers of vehicle miles traveled (VMT) and other practices which cause adverse air quality impacts. While the proposed MND does address greenhouse gas emissions in section 3.7, there does not appear to be any analysis of the impact a continually sprawling development pattern will have on air quality.

5F CON'T

This section is another good example of the difficulties of receiving a complete analysis of cumulative impacts when adopting a piece-meal approach to environmental review. With each step the Lead Agency makes a finding that the impacts are less than significant and impacts will be further analyzed with specific and direct development projects. The problem is that by the time each individual smaller development project is implemented few if any mitigation measures are required for those individual projects' impact on air quality.

Recommendation: We reaffirm earlier and multiple recommendations that an EIR should be prepared, in this case to analyze the broad adverse impacts of the proposed project and to study alternatives to the project. It would appear that the annexation of nearly 200 acres of land which is designed to facilitate further and more intensive development, particularly when over 40% of the land is sensitive habitat or prime agricultural land, meets the definition of a potentially significant cumulative impact and should be further analyzed in an EIR.

5G

3.4 Biological Resources: The proposed MND relies on the field surveys and subsequent analysis included in the draft Initial Study/Environmental Assessment for the South Main Street and Soda Bay Road Widening and Bike Lanes Project. While this no doubt is a helpful reference, it is not a complete picture of the project area, particularly those areas which likely contain the most sensitive biological resources. A review of the Biological Survey Map from the Initial Study/Environmental Assessment referenced above show a survey area of only approximately 150 feet on each side of South Main Street and Soda Bay Road. This level of analysis is not sufficient to be representative of the project area in this case. A review of the California Natural Diversity Database (CNDDB) indicates the potential existence of a number of sensitive species not addressed in the South Main Street and Soda Bay Road Widening and Bike Lanes project Initial study/Environmental Analysis:

- Coastal and Valley Freshwater Marsh
- *(Andrena blennospermatis)*
- Serpentine Cryptantha *(Cryptantha clevelandii var. dissita)*

It is impossible to determine the impacts of the proposed project on sensitive species by utilizing a survey that only addresses a small portion of the project area and therefore the potential impact on habitat. Additionally, the proposed MND indicates the City of Lakeport staff conducted field surveys throughout the project area. While we appreciate City staff's interest and dedication, unless staff are credentialed to the standard required by the United States Fish and Wildlife Service or the California Department of Fish and Game, a credential professional should be retained to conduct a field survey of the project area. All of the subsequent analysis and discussion in the remainder of the Biological Resources section of the proposed MND is potentially faulty because it is based on incomplete information. The current level of review and analysis is inadequate to make a determination of the level of impact of the proposed project on biological resources. **5G CON'T**

Recommendation: A credentialed professional biological consultant should be retained to perform a field survey of sensitive biological resources within the *entire* project area.

5H

3.5 Cultural Resources: While the archaeological survey for the South Main Street and Soda Bay Road Widening and Bike Lanes Project covers a portion of the proposed project area, due to the 'high archaeological sensitivity' the potential adverse impact to archaeological resources is high. The study determined that nine prehistoric archaeological sites were determined to be "within or directly adjacent to the project's area of potential effects." It is not difficult to therefore assume that an expansion of the survey area to include all of the project area, could result in the identification of more archeological sites, particularly because a majority of the project area not surveyed by the South Main Street and Soda Bay Road Widening and Bike Lanes Project would include agricultural lands and marshland that has had less disturbance since the pre-historic period. The ability of the Lead Agency to make a determination that the proposed project would result in a 'less than significant impact' is unnecessarily premature based on the provided information and the documented high sensitivity for archeological resources in the immediate area.

Recommendations: A credentialed professional archaeological consultant should be retained to perform a field survey and records search for sensitive archaeological resources within the *entire* project area. The proposed MND should be amended, and recommended mitigation measures included based on the consultant's recommendations.

3.6 Geology and Soils: No comments.

Recommendations: None.

5I

3.7 Greenhouse Gas Emissions: By the City's admission in the proposed MND and Draft EIR for the 2009 General Plan the annexation of land will have a "cumulative impact on global climate change due to the increase of population and vehicles in the area." Additionally, the proposed MND further states,

"Additional CO_2 emissions will be created due to the increased number of VMT." There are further references to General Plan policies which are consistent with "smart growth" principles that when implemented, will help reduce potential greenhouse gas (GHG) emissions. However, the Urban Boundary Element of the General Plan states in the section titled 'Estimated Demand for Land 2005-2025', "Most of the projected land needed can be found in existing vacant infill areas within the City." If this is true and growth can be accommodated with the most fundamental of 'smart growth' principles, (compact, infill development), then why is the proposed annexation required at all? Of particular interest, as previously stated, is the impact the recent low population growth has on the Estimated Demand for Land analysis and need for the proposed annexation. The proposed MND states, "...the growth rate during the past several years has been notably less than estimated in the Plan."

5I CON'T

The conclusion that the proposed project will have a 'less than significant effect' on GHG emissions is hasty if the cumulative impacts are considered, and in particular, if project alternatives are analyzed. It is contradictory for the Lead Agency to determine separately that anticipated annexation will have a '...cumulative impact on global climate change...', and the next page state that, "no new significant impacts are anticipated and no mitigation measures are needed in conjunction with the annexation project."

Recommendation: An EIR should be prepared for the proposed project, in part to analyze how the proposed sprawling development pattern would result in an increase in cumulative GHG emissions and project alternatives can be analyzed.

3.7 Hazards and Hazardous Materials: No comments.

Recommendations: None.

3.8 Hydrology and Water Quality: The County agrees that there is the presence of wetland habitat within the project area. The Lead Agency again references the Initial Study/Environmental Assessment from the South Main Street and Soda Bay Road Widening and Bike Lanes Project which provides helpful information for a portion of the project area, but it again reaffirms the necessity of further study prior to making a determination of significance, in this case on hydrological information. A review of the Lake County GIS database shows the high probability of sensitive wetland and flood prone areas throughout the project area. It appears that nearly every area which is not currently developed is potentially significant wetland habitat. While this is certainly not definitive, the whole record of evidence causes substantial and significant concern that the annexation of this area will lead to the destruction of the wetland habitat in future development phases. While we are impressed with the mitigation measures the City has in place for mitigation of hydrological and water quality impacts from future development project, we are nonetheless concerned about the project's impact to the larger Clear Lake watershed.

5J

As an example, the poorly devised plan to drain Robinson Lake and the wetlands area around Middle Creek and Rodman Slough, has caused significant repercussions to the Clear Lake ecosystem. It is estimated by the Army Corps of Engineers and other experts that the Rodman Slough area accounts for up to 70 percent of the phosphorus nutrient loading into Clear Lake. Additionally they estimate that a restoration of that wetlands area, as proposed by the Middle Creek Flood Damage and Habitat Restoration Project, would reduce the nutrient loading by up to 40%. The decision to drain the area decades ago has caused irreparable harm, both environmentally and economically, to Lake County since that time. The annual algae blooms and other water quality issues on Clear Lake are, in part, caused by that poor decision. Now, implementation of the Middle Creek Restoration Project will cost in excess of $40 million to complete. While this comparison is of a different level than that of the proposed project, it exemplifies the importance of careful analysis and planning to protect sensitive areas from development that could have significant and long-standing impacts to the local ecosystem. The importance of Clear Lake to the local economy cannot be underestimated and careful stewardship of this resource is recommended to reduce additional negative impacts.

Under Discussion of Impacts, section b), the Lead Agency states, "Without detailed knowledge of future development plans, it is not possible to assess impacts associated with future projects. Such impacts will be required to be addressed as part of future CEQA review associated with the individual development projects." While we agree that assessing future development impacts is imperfect, it should not be referred to as impossible. In fact in several earlier sections of discussion including under section a) it is stated that, "In addition, it can be assumed that portions of the site will likely develop in the future to more urban densities and land uses, consistent with the development patterns found within the City currently and in accordance with the zoning of the individual project site." We agree with this assertion, and reaffirm that an analysis of future impacts related to hydrological and water quality could be performed on the project area under the assumption that the area will develop to a level consistent with existing development patterns in the City and in accordance with the zoning of the individual parcels.

5J CON'T

Recommendations: The reasonably foreseeable indirect physical change, and therefore the indirect impacts of the proposed project, rises to a level of significance which requires further analysis. Under CEQA section 15064(d), a reasonably foreseeable indirect impact requires an equal level of analysis to that of a direct impact. A detailed hydrological study should be conducted to analyze the potential future impact to not only the local water table, but the impacts of sensitive wetland habitat reduction and the resulting impact on the Clear Lake watershed. The study should use the land use designations and pre-zoning designations to determine a likely level of development on the project site. The recommendations of the study should be incorporated into the mitigation measures of this draft document.

3.9 Land Use and Planning: This office presented a variety of comments in the previously noted letter dated July 27, 2011. A number of the responses from the Lead Agency to those responses are inadequate to address our concerns. The Cortese-Knox-Hertsberg Act requires that the General Plan and pre-zoning designations be consistent before it entertains an annexation proposal. The County posed a question about the inconsistency in some of the designations ("Major Retail" pre-zoning and "Resort Residential" and "Urban Reserve" General Plan designations) within the project area. The Lead Agency's response simply states that the designations are "generally consistent" and that "any inconsistencies are minor in nature". However, the law does not make allowances for "minor inconsistencies" it requires that the designations be consistent.

Recommendation: In regards to this issue, we again request clarification be provided on the inconsistent designations and request that either the General Plan or pre-zoning designations be amended to provide a consistent land use pattern. No further action should be taken on this proposed project until the issue can be resolved.

This office's earlier response requested further analysis be done in regards to the current City population, population projections in the General Plan, and the Estimated Demand for Land analysis that are used as a basis for setting City priorities. The priority in question in this case is of course the proposed annexation project. The Lead Agency's response dismisses the need for further review in part because the annexation priority is "unrelated to the need for additional land to accommodate population growth as none of the lands in the project area have residential land use or pre-zoning designations." The only logical implication from this statement is that the Lead Agency is submitting that population growth is unrelated to the demand for commercial, industrial, and/or resort designated lands, and only effects residentially designated property. This is as misleading as it is inaccurate. We would challenge the Lead Agency to provide any evidence that there is not a direct correlation to population growth and demand for commercial and other services. We do not have access to the formulas used to determine the correlation between the need for commercial property based on population growth, but based on the current population we again submit that the availability of 60.08 acres (as shown in Table 3 of the Urban Boundary Element of the General Plan) of vacant commercial lands within the current City limits, is most likely adequate for future growth within the planning period.

Recommendation: We again request that the analysis in the Urban Boundary Element of the General Plan be updated to reflect current population information and the revised numbers be used to analyze the necessity of moving forward with the proposed annexation at this time.

The previously submitted response cited comments by the LAFCO submitted as part of the General Plan EIR related to concerns over "cumulative service impacts subsequent development and growth in the City may have on various

5K

local service providers such as the Lake Co. Sanitation District and the County as a whole. We assume subsequent development will undergo additional environmental review on a project by project basis, which may later be used by LAFCO in considering individual future annexations." We contended at that time that "impacts of the proposed annexation have not been analyzed as part of the General Plan EIR and as a subsequent project, require additional review." Further we stated, "The proposed annexation, based on the existing land use designations, would potentially have cumulative impacts pursuant to CEQA Section 15130, and additional review should be required." The proposed MND under review is the first step in the additional environmental review. However, in response to the Lead Agency's statement that "there is not a factual basis provided to justify the statement that there are cumulative impacts associated with the annexation project," we submit the information provided throughout this response as "substantial evidence", including "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts" (as described in CEQA section 15064(f)(5)) to justify the proposed project could result in significant cumulative impacts. **5K CON'T**

Recommendation: We reaffirm the previous calls in this document for the Lead Agency to realize the proposed project could have a significant and cumulative effect on the environment and amend the appropriate sections of the draft MND to address that realization. Further, we recommend an EIR be prepared to further analyze the cumulative impacts and propose project alternatives, based on the reasonable and substantial information provided in this response.

3.10 Mineral Resources: No comments.

Recommendation: None.

3.11 Noise: No comments.

Recommendation: None.

3.12 Population and Housing: No comments.

Recommendation: None.

3.13 Public Services: No comments.

Recommendation: None.

3.14 Recreation: No comments.

Recommendation: None.

3.15 Transportation/Traffic: The South Main Street and Soda Bay Road Widening and Bike Lane Project, as undertaken by the County, is designed to provide a sufficient level of service for the development of the area consistent **5L**

with the project area's Lake County General Plan and zoning designations. It is unclear from the discussion in the draft MND if the increased development potential that would be realized in the project area if the annexation project is completed was the basis for determining the level of service (LOS) threshold, or the LOS was determined based on the existing County designations and development potential.

5L CON'T

Recommendation: The Discussion of Impacts should include clarification on the above issue and changes be made to the draft MND to address the current County-initiated road widening project, and whether the LOS will be adequate for the future growth which will surely be induced with the proposed annexation.

3.16 Utilities and Service Systems: This section provides an inadequate analysis of the proposed project. Under "Discussion of Impacts", in each section the Lead Agency states that the annexation project will not have a direct impact on utilities. That is in fact, correct. However, there are potential growth-inducing impacts associated with the proposed annexation. These indirect impacts are not analyzed in the proposed MND, as required by CEQA.

Recommendation: An EIR should be prepared to adequately analyze the cumulative impacts of the whole of the proposed action. While it is helpful to have a simple understanding of the available infrastructure in the area, a thorough analysis should be done to analyze the effect of the growth-inducing action, and provide alternatives to the proposed project. The expense and difficulty in providing additional infrastructure is exacerbated by focusing on expansion of the City boundary when adequate infrastructure exists on infill properties already served by City or County services.

5M

3.17 Mandatory Findings of Significance: As stated in earlier portions of this response, we believe that the determination that "the project will not result in significant effects to cultural, historical or archeological resources, nor would the project substantially reduce the habitat or population of any plant or animal species" is a premature assertion based on incomplete data. In addition, the determination that the "potentially significant impacts to Agriculture and Forestry Resources, Biological Resources, Cultural Resources, and Geology and Soils" have been adequately identified and mitigated is equally premature. We reaffirm the comments, facts, expert opinion, and assumptions predicated on those facts as listed previously in this document.

5N

Recommendation: We request that the Lead Agency refer to the previous recommendations that additional studies be prepared by qualified experts, and the information be used in the preparation of an EIR that analyzes these noted potentially significant impacts and potential project alternatives.

We concur with the Lead Agency in stating that "It is reasonably foreseeable that annexation of the project area will result in...future development of portions of the project area are more likely to occur." However, we disagree with the premise repeated here that "without project level knowledge of such development

proposals, it is not foreseeable what impacts could occur or how they could contribute to environmental degradation." A discussion on cumulative impacts is warranted, even required here, and it has been inadequately addressed in this environmental document. Based on previously reverenced portions of CEQA there is adequate information to determine that there could be significant and cumulative effects to the environment with the proposed project. These potential impacts have not been addressed in any form, but brushed aside as the next step of CEQA review for development proposals. This determination completely circumvents the protections created in CEQA to provide a thorough environmental review for projects which have indirect impacts, but are growth-inducing, and cumulatively considerable.

5N CON'T

Recommendation: We reaffirm our call for an EIR to be prepared in an effort to adequately analyze the potentially significant impacts, particularly the cumulatively considerable impacts, and proposed project alternatives. The Lead Agency continuing to analyze projects in the piece-meal fashion that has been exhibited throughout the proposed annexation process is inadequate and should be addressed through an EIR to achieve a complete and comprehensive review.

We request that the Lead Agency find on the 'whole of the record' that the proposed project **may** have a significant effect on the environment and an Environmental Impact Report be prepared.

Sincerely,

Kelly F. Cox
County Administrative Officer

cc: Lake County Board of Supervisors
County Counsel

CITY OF LAKEPORT
Community Development Department
225 Park Street, Lakeport, CA 95453
Phone: (707) 263-5613 / Fax: (707) 263-8584
abritton@cityoflakeport.com

REQUEST FOR REVIEW

DISTRIBUTION DATE: July 7, 2011 **PLEASE RESPOND BY: July 28, 2011**

STAFF CONTACT PERSON: RICHARD KNOLL, CDD/RHED DIRECTOR

CDD/RDA DIRECTOR		CO. SPECIAL DISTRICTS TSMs, PMs, CLMSD North	x	CORPS OF ENGR	x	PG&E - UKIAH	x
CITY ENGINEER	x			CALTRANS	x	PG&E - LAND RIGHTS	
ENGINEERING TECH II		AIR QUALITY MGMT.	x	FISH & GAME	x	SONOMA STATE	x
UTILITIES Director	x	COUNTY HEALTH DEPT	x	LAKE CO. TRANSIT	x	SCHOOL DIST.	x
PUBLIC WORKS SUPERINTENDENT	x	COUNTY PLANNING	x	STATE HEALTH	x	EPA	
BUILDING OFFICIAL	x	CO. WATER RESOURCES	x	STATE RWQCB	x	FEMA	
FIRE DISTRICT	x	CO. PUBLIC WORKS	x	STATE LANDS		HISTORIC PRES.	
POLICE DEPARTMENT	x	CO. ASSESSOR'S (Kelli)	x	STATE PARKS		YOLO CO. FLOOD	x
CITY PARKS & REC	x	COUNTY ADMINISTRATOR	x	AT&T	x	COUNTY FARM BUREAU	x
		MEDIA-COM	x	LAFCO	x	MENDOCINO COLLEGE	x
		BIG VALLEY RANCHERIA	x			LAKE COUNTY SHERIFFS DEPARTMENT	x

APPLICANT:	City of Lakeport		
PHONE NUMBER:	(707) 263-8840 Richard Knoll		
APPLICATION NO.:	AX 11-01		
APPLICATION TYPE:	Proposed annexation of 197 acres to the City of Lakeport.		
REQUEST FOR:	Comments on the proposed City of Lakeport South Main Street/Soda Bay Road Annexation Project.		
LOCATION :	South Main/Soda Bay Road	APN:	N/A
PLANNING COMM. MEETING DATE:	August 10, 2011 Tentative date for Public Hearing on CEQA Initial Study		

Please review the attached application/plan and make comments below:
PLEASE RETURN PLANS UNLESS NECESSARY FOR YOUR FILES

There are Adult Care facilities licensed by CDPH in the Lakeport area.
If any of these fall in the area of annexation it could effect their licensing or certification status — if they are in designated Road
Peter Shen HFSM II 7/18/11
SIGNATURE DATE

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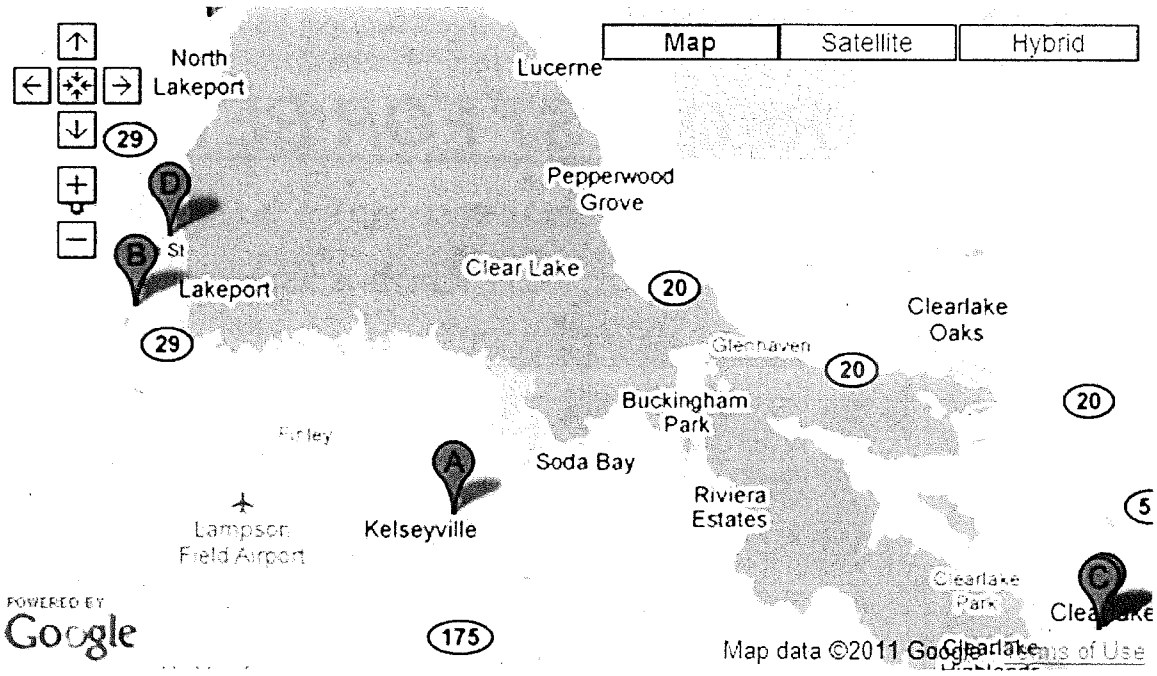
JUL 21 2011
AO

Search Results



6 Facilities were found.

Map Key	Facility ID	Name	Type	City	County	Zipcode	
A	010000427	ADULTS IN COMMUNITY TRANSITION - A.C.T. 1 *4795 GADDY LANE*	Intermediate Care Facility/Developmentally Disabled - Habilitative	KELSEYVILLE	LAKE	95451	Details
B	110001255	EVERGREEN LAKEPORT HEALTHCARE *1291 CRAIG AVENUE*	Skilled Nursing Facility	LAKEPORT	LAKE	95453	Details
C	110001250	MEADOWOOD NURSING CENTER *3805 DEXTER LANE*	Skilled Nursing Facility	CLEARLAKE	LAKE	95422	Details
D	110001248	Rocky Point Care Center *625 16TH STREET*	Skilled Nursing Facility	LAKEPORT	LAKE	95453	Details
E	110000044	St. Helena Hospital - Clearlake *15630 18TH AVE. - HWY. 53*	General Acute Care Hospital	CLEARLAKE	LAKE	95422	Details
F	110000019	SUTTER LAKESIDE HOSPITAL *5176 HILL ROAD EAST*	General Acute Care Hospital	LAKEPORT	LAKE	95453	Details

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CITY ENGINEER	x			CALTRANS	x	PG&E - LAND RIGHTS	
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UTILITIES Director	x	COUNTY HEALTH DEPT	x	LAKE CO. TRANSIT	x	SCHOOL DIST	x
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		MEDIA COM	x	LAFCO	x	MENDOCINO COLLEGE	x
		BIG VALLEY RANCHERIA	x			LAKE COUNTY SHERIFFS DEPARTMENT	x

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OK. No changes to parcels. Only TRA change when it comes thru.

Kelli Bass
SIGNATURE

RECEIVED
JUL 20 2011

7.19.11
DATE

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STAFF CONTACT PERSON: RICHARD KNOLL, CDD/RHED DIRECTOR

CDD/RDA DIRECTOR		CO. SPECIAL DISTRICTS TSMs, PMs, CLMSD North	x	CORPS OF ENGR	x	PG&E - UKIAH	x
CITY ENGINEER	x			CALTRANS	x	PG&E - LAND RIGHTS	
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Make sure Lafco is mentioned as a responsible agency and include the annexation as what Lafco will be approving.
Provide detail to support the city's Municipal Service

[signature] SIGNATURE

RECEIVED JUL 27 2011

7-20-2011 DATE

CITY OF LAKEPORT
Community Development Department
225 Park Street, Lakeport, CA 95453
Phone: (707) 263-5613 / Fax: (707) 263-8584
abritton@cityoflakeport.com

REQUEST FOR REVIEW

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STAFF CONTACT PERSON: RICHARD KNOLL, CDD/RHED DIRECTOR

CDD/RDA DIRECTOR		CO. SPECIAL DISTRICTS TSMs, PMs, CLMSD North	x	CORPS OF ENGR	x	PG&E - UKIAH	x
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CLMSD currently serves the proposed annexation area and the City's water system has capacity to serve the area.

Mark Brannigan
SIGNATURE

RECEIVED
AUG 4 2011

8/3/11
DATE

CITY OF LAKEPORT
Community Development Department
225 Park Street, Lakeport, CA 95453
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JUL 21 2011

REVIEWED

SIGNATURE

07/15/11
DATE

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DISTRIBUTION DATE: July 7, 2011 **PLEASE RESPOND BY: July 28, 2011**

STAFF CONTACT PERSON: RICHARD KNOLL, CDD/RHED DIRECTOR

CDD/RDA DIRECTOR		CO. SPECIAL DISTRICTS TSMs, PMs, CLMSD North	x	CORPS OF ENGR	x	PG&E - UKIAH	x
CITY ENGINEER	x			CALTRANS	x	PG&E - LAND RIGHTS	
ENGINEERING TECH II		AIR QUALITY MGMT.	x	FISH & GAME	x	SONOMA STATE	x
UTILITIES Director	x	COUNTY HEALTH DEPT	x	LAKE CO. TRANSIT	x	SCHOOL DIST.	x
PUBLIC WORKS SUPERINTENDENT	x	COUNTY PLANNING	x	STATE HEALTH	x	EPA	
BUILDING OFFICIAL	x	CO. WATER RESOURCES	x	STATE RWQCB	x	FEMA	
FIRE DISTRICT	x	CO. PUBLIC WORKS	x	STATE LANDS		HISTORIC PRES.	
POLICE DEPARTMENT	x	CO. ASSESSOR'S (Kelli)	x	STATE PARKS		YOLO CO. FLOOD	x
CITY PARKS & REC	x	COUNTY ADMINISTRATOR	x	AT&T	x	COUNTY FARM BUREAU	x
		MEDIA-COM	x	LAFCO	x	MENDOCINO COLLEGE	x
		BIG VALLEY RANCHERIA	x			LAKE COUNTY SHERIFFS DEPARTMENT	x

APPLICANT:	City of Lakeport		
PHONE NUMBER:	(707) 263-8840 Richard Knoll		
APPLICATION NO.:	AX 11-01		
APPLICATION TYPE:	Proposed annexation of 197 acres to the City of Lakeport.		
REQUEST FOR:	Comments on the proposed City of Lakeport South Main Street/Soda Bay Road Annexation Project.		
LOCATION :	South Main/Soda Bay Road	APN:	N/A
PLANNING COMM. MEETING DATE:	August 10, 2011 Tentative date for Public Hearing on CEQA Initial Study		

Please review the attached application/plan and make comments below:
PLEASE RETURN PLANS UNLESS NECESSARY FOR YOUR FILES

I have no comment at this time. I give my full support for this project.

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JUL 27 2011

SIGNATURE

7-20-11
DATE

COUNTY OF LAKE

ADMINISTRATIVE OFFICE
255 N. Forbes St.
Lakeport, CA 95453
(707) 263-2580

MEMORANDUM

RECEIVED
JUL 28 2011

TO: Richard Knoll
Community Development Director
City of Lakeport

FROM: Kelly F. Cox
County Administrative Officer
County of Lake

SUBJECT: **Proposed annexation of 197 acres along South Main St./Soda Bay Rd. into the City of Lakeport**

DATE: July 27, 2011

On behalf of the County Administrative Office, I would like to thank you for the opportunity to comment on the above referenced project. Additionally, we appreciate the on-going efforts between the City and the County to reach a pre-annexation agreement. We expect these efforts to continue and cannot support the proposed annexation unless an agreement can be reached to fully mitigate the significant adverse impacts this proposed project would have on the County and on the public whom we serve.

In response to the proposal's compliance with the California Environmental Quality Act (CEQA), we have several comments. The provided "Narrative" regarding the proposed annexation states that, "*The City has adopted General Plan land use designations and has pre-zoned the land in the Annexation Project Area.*" Upon review of both the "Figure 2: Existing Pre-zoning Designations" map for the proposed project area and the "City of Lakeport SOI: General Plan Land Use Designations" map from the City of Lakeport General Plan, it appears that there are some inconsistencies in the designations. While there is consistency with the "Industrial" designations and a majority of the "Urban Preserve" designations, the potential conflict between the "Major Retail" pre-zoning designation and the "Resort Residential" and "Urban Reserve" designations is unclear. We would request that the level of environmental review be appropriate to analyze the perceived inconsistency, and provide clarification and/or mitigation measures to resolve the potential conflict. In addition, we would assume that some level of environmental review was conducted and approved prior to approval of the pre-zoning designations. We recommend that a comprehensive environmental document be prepared for the proposed annexation, as supported by existing case law and CEQA Guidelines, and the previous environmental review be included. CEQA section 15378 defines a 'Project' as *"the whole of an action",* not the separate governmental actions that may be necessary to complete it. Ideally, a single environmental document will be prepared to address the annexation as well as all related general plan amendment, pre-zoning, sphere of influence or other proposals. We are concerned that a set of 'piece-meal' environmental documents will not adequately address the potentially significant impacts of the proposed project.

The City of Lakeport's Urban Boundary Element of the General Plan is, among other things, intended to *"provide guidance related to future annexation of land from the City's Sphere of Influence."* The section entitled *"Estimated Demand for Land 2005-2025"* states that, *"By 2010, the population of Lakeport is estimated to be approximately 5,521..."* Further the Plan states, *"Most of the projected land needed can be found in existing vacant infill areas within the City."* The analysis then projects the amount of land anticipated to be needed within the life of the Plan (2005-2025), and upon this basis is proposing the annexation of the South Main Street/Soda Bay Road Project Area as the highest priority to accommodate the projected growth (Policy UB 2.2). A review of the 2010 Census data lists a population for the City of Lakeport as 4,753, a difference from the projection of nearly 14%. Based on the updated Census numbers and the General Plan's stated desire to encourage infill development, we would recommend further review be done as part of the environmental document on the necessity of the proposed annexation project within the life of the General Plan.

The General Plan EIR states that, *"There is currently no land with the existing Sphere of Influence (SOI) that is designated or zoned for agricultural use or that is currently under a Williamson Act contract. However, a portion of the area within the proposed expanded SOI is currently designated and zoned by Lake County for agricultural use."* While we will not address the area within the expanded SOI as it is not a part of the proposed annexation project, we would like to address some inaccuracies in the EIR. There <u>is</u> currently land within both the SOI and the proposed annexation area which is under Williamson Act contract. The property is approximately 52 acres and is currently zoned "APZ" Agricultural Preserve Zone by the Lake County Zoning Ordinance. The owner filed for a Notice of Non-Renewal of the contract, which was recorded on November 16, 2006. However, the property will not be released from the contract until December 31, 2015. Based on this information, we recommend that the environmental document analyze the property in this context and appropriate action be recommended pursuant to CEQA and the Cortese-Knox-Hertzberg Act related to Williamson Act contracts.

As this proposed project has progressed over the years, a number of public surveys have been done to analyze the community's interest in potential annexation. Overwhelmingly the respondents have expressed that they oppose the annexation. Additionally, the area makes up a substantial percentage of the discretionary tax revenue received by the County, which is used to support infrastructure systems within the vicinity. While we understand that under CEQA Guidelines, economic or social effects shall not be treated as significant effects on the environment, CEQA section 15131(b) states, *"Economic or social effects of a project may be used to determine the significance of physical changes caused by the project."* We request that the environmental document analyze the economic impacts the proposed project would have, both on the level of service provided to the properties within the project area, and the impact the change in revenues will have on the County's ability to provide essential public services, including but not limited to provision and maintenance of infrastructure, protection of natural resources and protection of the public's health, welfare and safety within the County's jurisdiction.

Comments from the Local Agency Formation Commission of Lake County (LAFCO) dated December 17, 2008, and as made a part of the General Plan Update Final Environmental Impact Report (EIR) say, *"LAFCO is concerned about the cumulative*

service impacts subsequent development and growth in the City may have on various local service providers such as the Lake Co. Sanitation District and the County as a whole. We assume subsequent development will undergo additional environmental review on a project-by-project basis, which may later be used by LAFCO in considering individual future annexations." The Lead Agency response "7O" states, *"Subsequent growth may have an impact on city services, but it would be speculative to attempt to determine what those impacts would be in the Program EIR because it is not known what future projects may be proposed or approved. Future projects will be subject to further environmental review in accordance with the California Environmental Quality Act."* Based on the analysis and response listed above, impacts of the proposed annexation have not been analyzed as part of the General Plan EIR and as a subsequent project, require additional review. The proposed annexation, based on the existing land use designations, would potentially have cumulative impacts pursuant to CEQA section 15130, and additional review should be required.

The Request for Review dated July 7, 2011, lists a "Tentative Date for Public Hearing on CEQA Initial Study" as August 10, 2011. In the event that this information is accurate, and the Lead Agency elects to recommend adopting a Negative Declaration or Mitigated Negative Declaration based on the CEQA Checklist/Initial Study, we recommend that at a minimum the Lead Agency provide a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration and provide a public review period prior to adoption of a Proposed Negative Declaration or Mitigated Negative Declaration, pursuant to CEQA section 15072 and 15105(b).

However, based on the complexity and uncertainty related to the potentially significant and cumulative impacts listed above and as defined by CEQA, we strongly recommend that an Environmental Impact Report be prepared to further analyze these impacts. In the event that the Lead Agency elects to propose adopting a Mitigated Negative Declaration, we request that the proposed environmental document be submitted to the State Clearinghouse and a minimum 45-day review period be initiated based on the project being of areawide significance pursuant to CEQA section 15206.

Thank you again for the opportunity to comment and please contact me if any additional information is needed.

cc: Board of Supervisors
City Manager

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CITY OF LAKEPORT
Community Development Department
225 Park Street, Lakeport, CA 95453
Phone: (707) 263-5613 / Fax: (707) 263-8584
abritton@cityoflakeport.com

REQUEST FOR REVIEW

DISTRIBUTION DATE: July 7, 2011 **PLEASE RESPOND BY: July 28, 2011**

STAFF CONTACT PERSON: RICHARD KNOLL, CDD/RHED DIRECTOR

CDD/RDA DIRECTOR		CO. SPECIAL DISTRICTS TSMs, PMs, CLMSD North	x	CORPS OF ENGR	x	PG&E - UKIAH	x
CITY ENGINEER	x			CALTRANS	x	PG&E - LAND RIGHTS	
ENGINEERING TECH II		AIR QUALITY MGMT.	x	FISH & GAME	x	SONOMA STATE	x
UTILITIES Director	x	COUNTY HEALTH DEPT	x	LAKE CO. TRANSIT	x	SCHOOL DIST.	x
PUBLIC WORKS SUPERINTENDENT	x	COUNTY PLANNING	x	STATE HEALTH	x	EPA	
BUILDING OFFICIAL	x	CO. WATER RESOURCES	x	STATE RWQCB	x	FEMA	
FIRE DISTRICT	x	CO. PUBLIC WORKS	x	STATE LANDS		HISTORIC PRES.	
POLICE DEPARTMENT	x	CO. ASSESSOR'S (Kelli)	x	STATE PARKS		YOLO CO. FLOOD	x
CITY PARKS & REC	x	COUNTY ADMINISTRATOR	x	AT&T	x	COUNTY FARM BUREAU	x
		MEDIA-COM	x	LAFCO	x	MENDOCINO COLLEGE	x
		BIG VALLEY RANCHERIA	x			LAKE COUNTY SHERIFFS DEPARTMENT	x

APPLICANT:	City of Lakeport		
PHONE NUMBER:	(707) 263-8840 Richard Knoll		
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LOCATION :	South Main/Soda Bay Road	APN:	N/A
PLANNING COMM. MEETING DATE:	August 10, 2011 Tentative date for Public Hearing on CEQA Initial Study		

Please review the attached application/plan and make comments below:
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See Attached

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8/2/11
DATE

COUNTY OF LAKE
SPECIAL DISTRICTS ADMINISTRATION
230 N. Main Street
Lakeport, California 95453
Telephone 707/263-0119
Fax 707/263/3836

Mark Dellinger
Special Districts Administrator

Request for Review Comments

TO:	Richard Knoll
REQUEST:	Comments on the proposed City of Lakeport South Main Street/Soda Bay Road Annexation Project
APPLICANT:	City of Lakeport
APPLICATION NO.:	AX 11-01
LOCATION:	South Main/Soda Bay Road

The sewage collection within the proposed annexation area, Assessment District 9-3, is operated and maintained by the Lake County Sanitation District, (LACOSAN).

The District is not proposing a detachment from LACOSAN at this time.

Please do not hesitate to contact me with any questions or if you need further information.

By: Lill Shaul Date: 8/2/11

LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

885 Lakeport Blvd.
Lakeport, CA 95453
Phone (707) 263-7000
Fax (707) 263-0421

Douglas G. Gearhart
Air Pollution Control Officer
dougg@lcaqmd.net

-MEMORANDUM-

TO: Andrew Britton, Planning Services Manager
City of Lakeport, Planning Dept.

DATE: September 29, 2011

FROM: Franklin Ley, AQT

SUBJECT: City of Lakeport ooo Request AX 11-01 ooo Initial Study - Environmental Review of the proposed annexation of 197 acres into the City of Lakeport

Annexation of these parcels should pose no significant impact to air quality in Lake County. However, the overall development of this area may present significant short term and long term impacts.

The subject project is located on a mapped area known to contain serpentine rock and/or soils. Serpentine commonly contains regulated amounts of asbestos. The District and State of California Air Resources Board regulates surfacing and construction activities involving serpentine. An approved serpentine dust control plan is required for most construction and grading activities. The serpentine dust plan should include provisions for dust control measures to achieve no visible emissions, prevent material track out onto the public road, provide for worker notification of the plan requirements and asbestos hazards, the posting of an asbestos warning notice at the site and the covering of disturbed serpentine surfaces subject to traffic wear or wind erosion with non-asbestos containing materials. Exposed serpentine surfaces that may be subject to vehicular traffic should have restricted access (fencing or other effective barriers) until such time as the surface is adequately covered with non-asbestos material.

Increased air quality impacts from construction generated emissions are expected to result from development of the annexed land. All development projects should utilize adequate dust suppression (frequent watering, palliatives or other methods) during grading, earthworks and building phases of construction. All roads, access and parking areas should be paved or surfaced with acceptable materials. Storage yards and construction areas should be adequately treated to suppress dust. Serpentine rock should not be used as a surface material on the roads, shoulders, paths or other areas where it is subject to wear. Exposed surfaces should be covered and re-vegetated to reduce wind erosion. Construction debris and refuse burning is not allowed.

The current proposal for annexation 197 acres into the City of Lakeport would not be expected to result in significant air quality impacts and a mitigated negative declaration can be supported for air quality concerns.

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HISTORICAL
RESOURCES
INFORMATION
SYSTEM

ALAMEDA
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NAPA
SAN BENITO
SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
Email: leigh.jordan@sonoma.edu
http://www.sonoma.edu/nwic

July 18, 2011

File No.: 11-0031

Richard Knoll, Project Planner
City of Lakeport
Community Development Department
225 Park Street
Lakeport, CA. 95453

re: AX 11-01 / South Main/Soda Bay Road / City of Lakeport

Dear Mr. Knoll;

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Previous Studies:

XX This office has record of sixteen studies covering approximately 35% of the proposed project area (see attached NWIC Report Listing). These studies identified several cultural resources *(see below)*. It is recommended that a qualified professional assess the status of the resources and provide project specific recommendations.

SB 18

XX As per Senate Bill 18 (Chapter 905, Statutes of 2004), local governments are required to consult with California Native American tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of general plans (defined in Government Code §65300 et seq.) and specific plans (defined in Government Code (§65450 et seq.). Each time a local government considers a proposal to adopt or amend the general plan or specific plan, they are required to contact the appropriate tribes identified by the Native American Heritage Commission.

Archaeological and Native American Resources Recommendations:

XX The proposed project area contains six recorded Native American archaeological sites, ranging from tool processing sites to habitation sites (P-17-000079, P-17-000452, P-17-000720, P-17-002402, P-17-002404, and P-17-002429), and is adjacent to one multi-component archaeological site containing both Native American and historic-period components; P-17-000238. A study providing site specific recommendations is recommended prior to commencement of project activities.

XX The unsurveyed portion of the proposed project area has the possibility of containing unrecorded archaeological site(s). A study of the unsurveyed portion of the project area is recommended prior to commencement of project activities.

XX We recommend you contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/653-4082.

____ The proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended.

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Built Environment Recommendations:

XX The proposed project area contains nine recorded buildings or structures; P-17-002372, P-17-002373, P-17-002374, P-17-002375, P-17-002376, P-17-002377, P-17-002379, P-17-002380, and P-17-002381. Prior to commencement of project activities, it is recommended that these resources be assessed by a qualified professional familiar with the architecture and history of Lake County.

XX The 1958 USGS Lakeport 7.5' quad depicts sixteen buildings and two water tanks in the proposed project area. Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at http://www.chrisinfo.org. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

Jillian Guldenbrein

Jillian Guldenbrein
Researcher I

NWIC File #11-0031 List of 16 Reports that cover approximately 35% of the project area

Northwest Information Center Report Listing

S-number	Year	Author(s)	Title	Affiliation
S-000468	1975	Ann S. Peak	Cultural Resource Assessment of the Southwest Clear Lake Regional Wastewater System, Lake County, California.	Ann S. Peak and Associates
S-008747	1985	Suzanne Stewart, Kathleen Werner, J. Bennyhoff, J. Flaherty, T. Origer, and D. Simons	Report on the Archaeological Test Excavations at Four Prehistoric Archaeological Sites Located within the Southwest Clear Lake Wastewater Force	
S-008830	1986	Jay M. Flaherty	An Archaeological Survey of AP # 82-093-06, Lake County, California	
S-010247	1988	Jay M. Flaherty	An Archaeological Survey of Approximately 1.45 Acres, Lakeport, Lake County, California (APN 5-052-11 & 12)(letter report)	
S-011189	1989	Jay M. Flaherty	An Archaeological Survey of 7.5 Acres, Lakeport, Lake County, California (AP # 8-003-04) (letter report)	
S-028853	2004	Sally Evans	A Cultural Resources Evaluation of 2170, 2190, 2230, 2210, 2240, and a Portion of 2150 South Main Street, Lakeport, Lake County, California.	
S-029004	2004	Lisa M. Pesnichak and Richard Greene	A Cultural Resources Evaluation of a Parcel for MUP 04-041, UP 04-024, at 64 (62-B) Soda Bay Road (APN 082-093-016), Lakeport, Lake County, CA.	
S-030314	2005	Sally Evans	A Cultural Resources Evaluation of 2230 South Main Street (APN 005-050-06, Lakeport, Lake County, California.	Archaeological Resource Service
S-031298	2004	Jay M. Flaherty	Cultural Resource Reconnaissance of 8.5 Acres, Lakeport, Lake County, California	Archaeological Services, Inc.
S-035520	2008	Christian Gerike and Jennifer Redmond	Geoarchaeological Testing Proposal, South Main Street and Soda Bay Road Widening and Bike Lanes Project, Lakeport, Lake County, California (LSA Project #QCE0701).	LSA Associates, Inc.
S-035690	2009	Michael R. Hibma	Historical Resources Evaluation Report for the South Main Street/Soda Bay Road Widening and Bike Lanes Project, City of Lakeport, Lake County, California (Expenditure Authorization #01-281714 / 01-281724L)	LSA Associates, Inc; Caltrans District 3
S-035953	2009	Chirstian Gerike, Neal Kaptain, and Jennifer Redmond	Extended Phase I Proposal for the South Main Street and Soda Bay Road Widening and Bike Lanes Project, Lakeport, Lake County, California (EA# 01-281714 / 01-281724L)	LSA Associates, Inc./ Caltrans
S-036357	2009	E. Timothy Jones, Christian Gerike, and Jennifer Redmond	Archaeological Evaluation Proposal (Phase II) for the South Main Street and Soda Bay Road Widening and Bike Lanes Project, Lakeport, Lake County, California, Caltrans District 1, EA# 01-281714 / 01-281724L	LSA Associates, Inc
S-036927	2009	Christian Gerike and Neal Kaptain	Archaeological Survey Report for the South Main Street and Soda Bay Road Widening and Bike Lanes Project, Lakeport, Lake County, California, Caltrans District 1 EA# 01-281714 / 01-281724L	LSA Associates, Inc for Caltrans
S-036968	2009	Jennifer Redmond	Preliminary Results of Geoarchaeological Testing, South Main Street and Soda Bay Road Widening and Bike Lanes Project, Lakeport, Lake County, California (LSA Project #QCE0701)	LSA Associates, Inc.
S-037788	2010	Neal Kaptain	Historic Property Survey Report for the South Main Street and Soda Bay Road Widening and Bike Lanes Project, Lakeport, Lake County, California, Caltrans District 1, EA# 01-281714/01-281724L	LSA Associates, Inc.