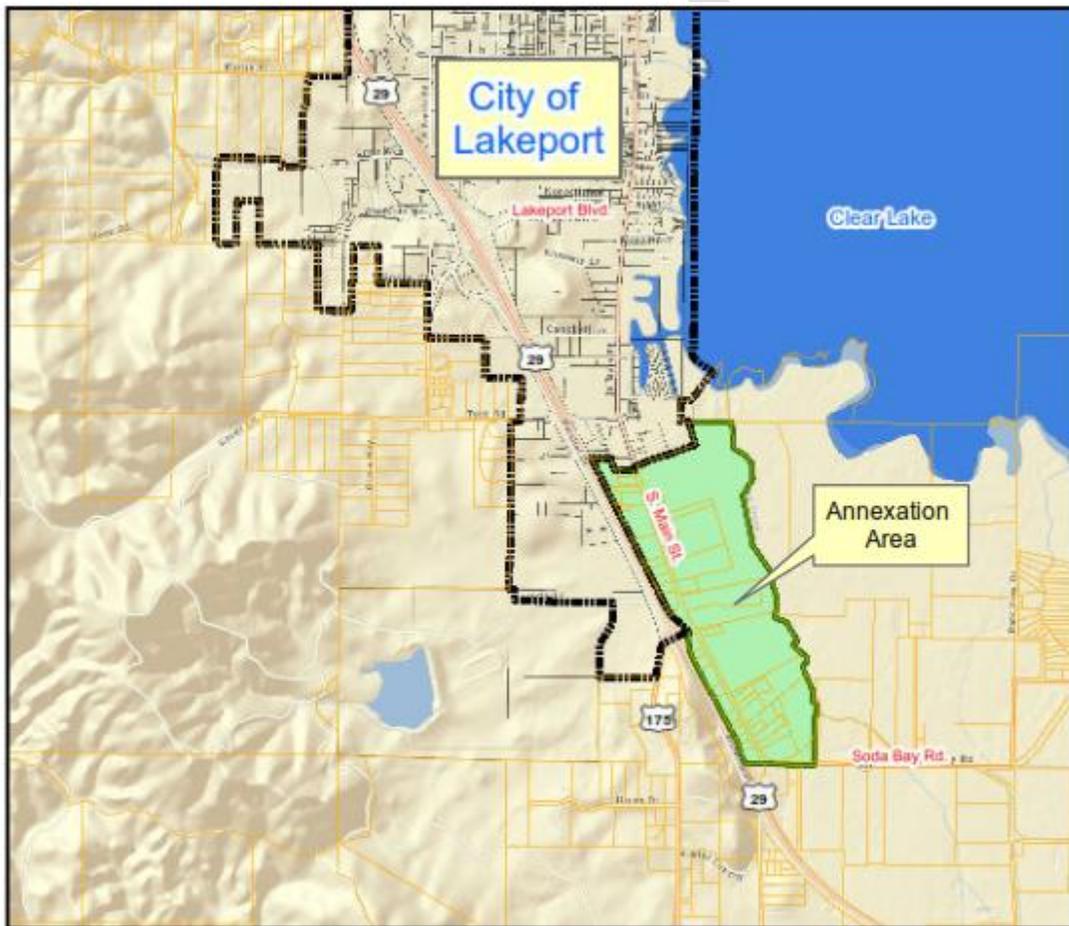

CITY OF LAKEPORT SOUTH MAIN STREET & SODA BAY ROAD ANNEXATION PROJECT

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.

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.

DRAFT

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.

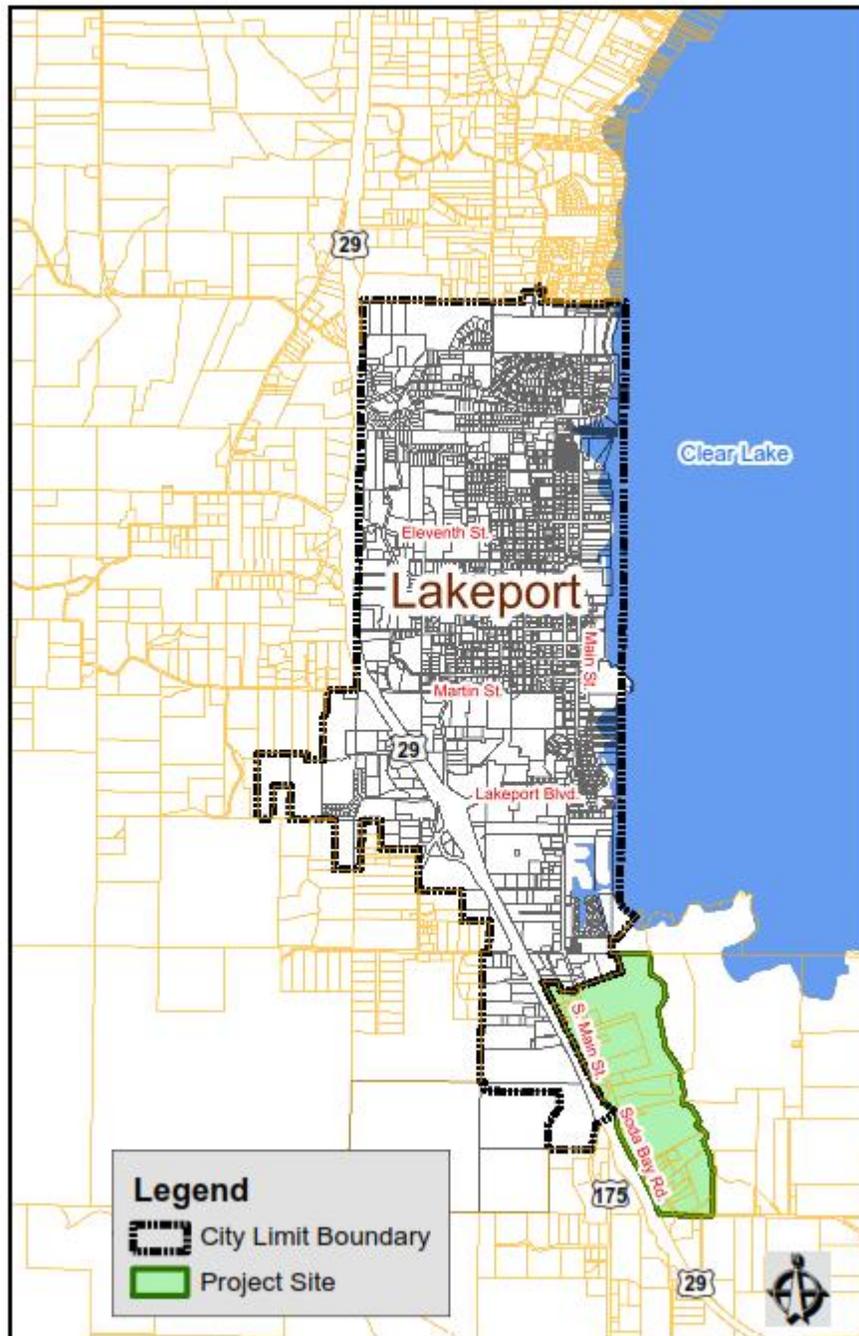
2.2 PROJECT PURPOSE AND OBJECTIVES

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

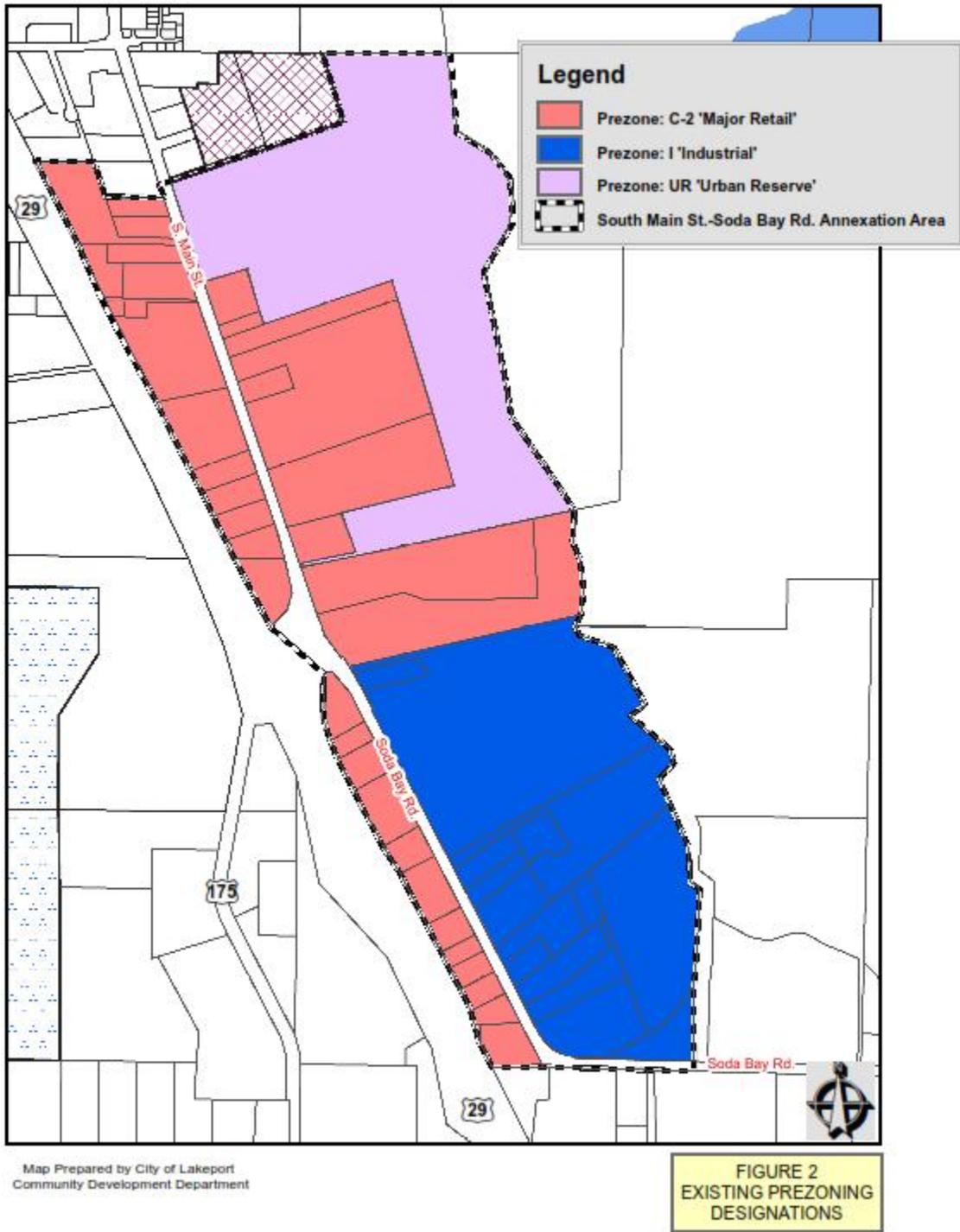
The annexation project does not involve any direct development-related impacts to the land. Annexation of the area involves a change of boundary lines which would transfer governmental jurisdiction to the City of Lakeport. It is anticipated that the annexation would be followed, at some point in the 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**.



Map Prepared by City of Lakeport
Community Development Department

FIGURE 1
PROJECT LOCATION MAP



3.0 INITIAL STUDY CHECKLIST

| | | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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.

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

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 |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| <p>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.</p> <p>Would the project:</p> | | | | |
| <p>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?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>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))?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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.

- (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

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)

- 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 rezoning for the area is generally consistent with the General Plan designations, including an Urban Reserve rezoning 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 contract 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.

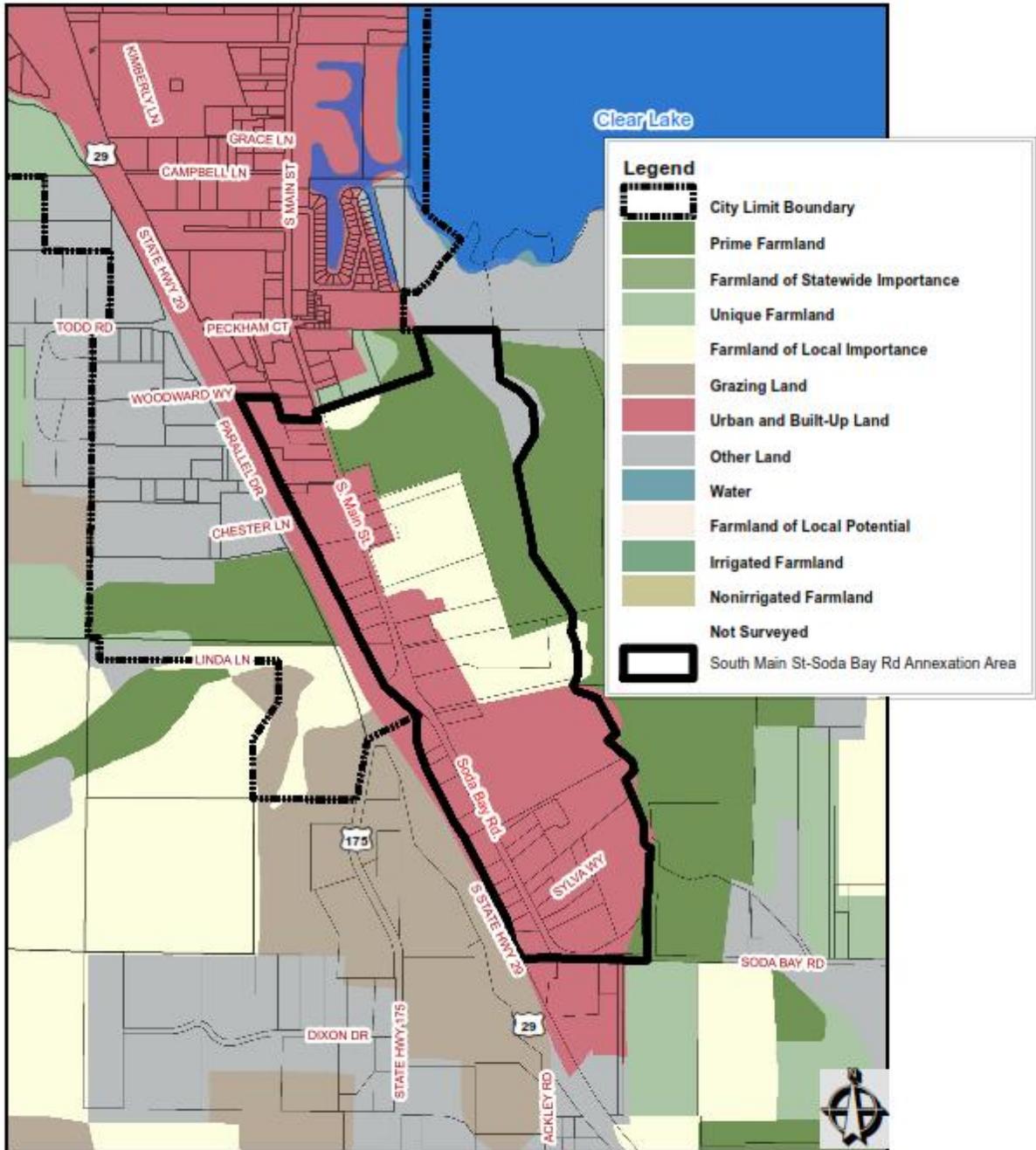
- e) *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

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

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 rezoning 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.

DRAFT



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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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 PM₁₀, 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 µg/m ³ |
| | 24-Hour | 150 µg/m ³ | 50 µg/m ³ |

| Pollutant | Averaging Time | Federal Standard | State Standard |
|-----------|--|------------------------------------|------------------------------------|
| PM 2.5 | Annual | 15 $\mu\text{g}/\text{m}^3$ | 12 $\mu\text{g}/\text{m}^3$ |
| | 24-Hour | 35 $\mu\text{g}/\text{m}^3$ | -- |
| Lead | 30-Day Avg. Calendar Qtr. Arithmetic Mean | -- 1.5 $\mu\text{g}/\text{m}^3$ | 1.5 $\mu\text{g}/\text{m}^3$ -- |

ppm = parts per million

$\mu\text{g}/\text{m}^3$ = 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 PM₁₀ Emissions

PM₁₀ 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 (NO₂)

The major sources of nitrogen dioxide (NO₂), essential to the formation of photochemical smog, are vehicular, residential, and industrial fuel combustion. NO₂ is the "whiskey brown" colored gas evident during periods of heavy air pollution. NO₂ increases respiratory disease and irritation and may reduce resistance to certain infections.

Sulfur Dioxide (SO₂)

The major source of sulfur dioxide (SO₂) 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. SO₂ 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.

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 |

| 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.

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, PM₁₀, 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 rezoning 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

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 gases, 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

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

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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

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 Analysis¹¹ 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

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

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 plant 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

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

- 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) | Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) | Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

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

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

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 Analysis¹⁸ 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

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.

- 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. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ENVIRONMENTAL SETTING²⁴

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

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 than 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

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.

Soils²⁵

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)

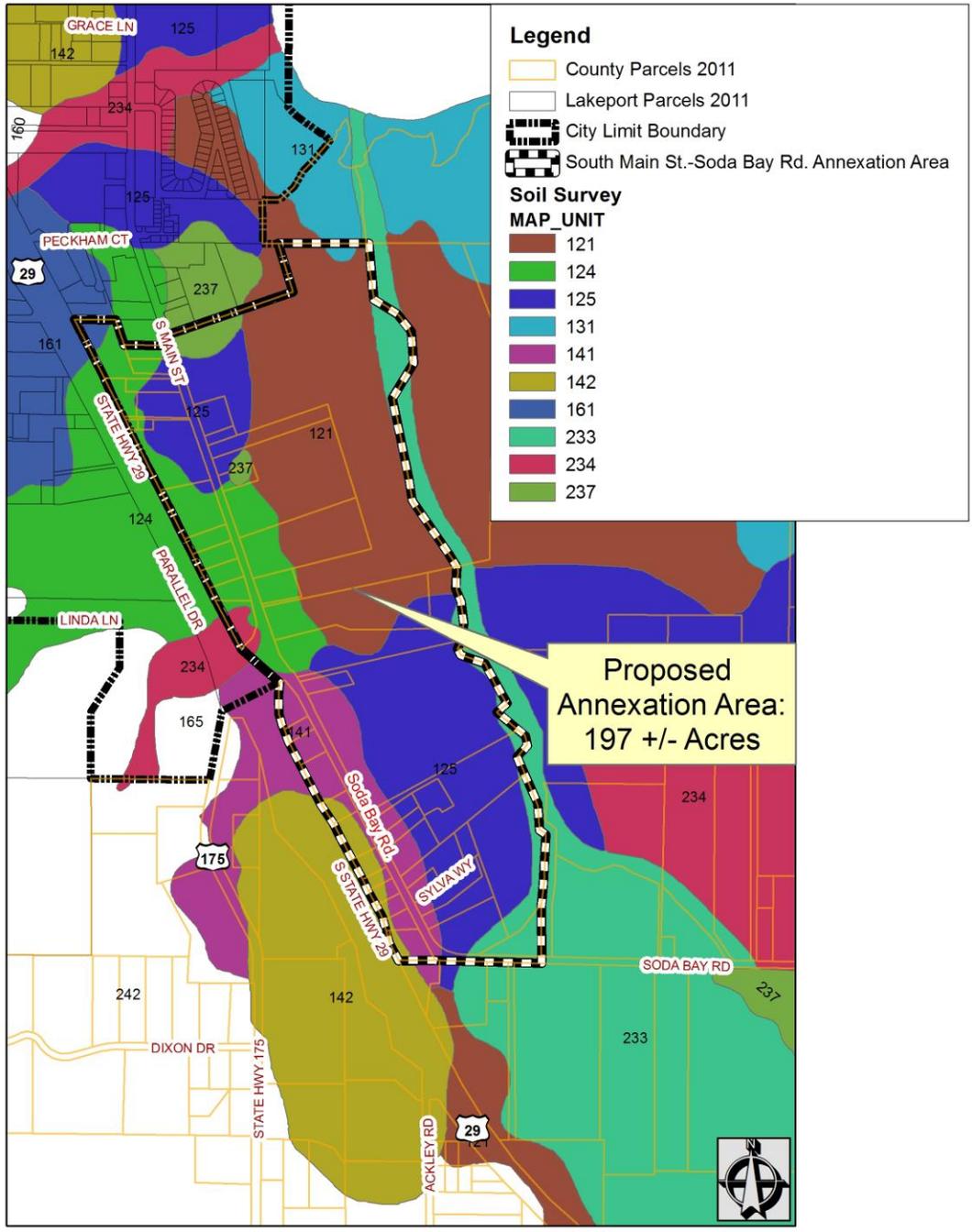
Figure 5 identifies the soil units in the project area. The soil varieties are characteristic of the Lakeport area, and are generally common in Lake County. Slopes on the site range from 0-14 percent according to topographic data provided by the County of Lake GIS department. The steeper areas are located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

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

DRAFT





Map Prepared by City of Lakeport
Community Development Department
August 2011

FIGURE 5
SOIL MAP UNITS

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

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.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfurhexafluoride (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 CO₂ 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 emissions³⁰:

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.

| | | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) | Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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 through 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;

- 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.

- 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 through 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

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j) Inundation by seiche, tsunami or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 NPDES 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

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. RWCQB's 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 RWQCB's 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

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

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).

DRAFT



**Figure 6
Creeks & Hydrology**

DATA SOURCE:
COUNTY OF LAKE
GIS DEPARTMENT

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

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?*

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 rezoning 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.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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:

County Assessor

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

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

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 contract 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

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

- 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

Lakeport General Plan specifies the project area as the top priority for annexation to the City³⁵, 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.

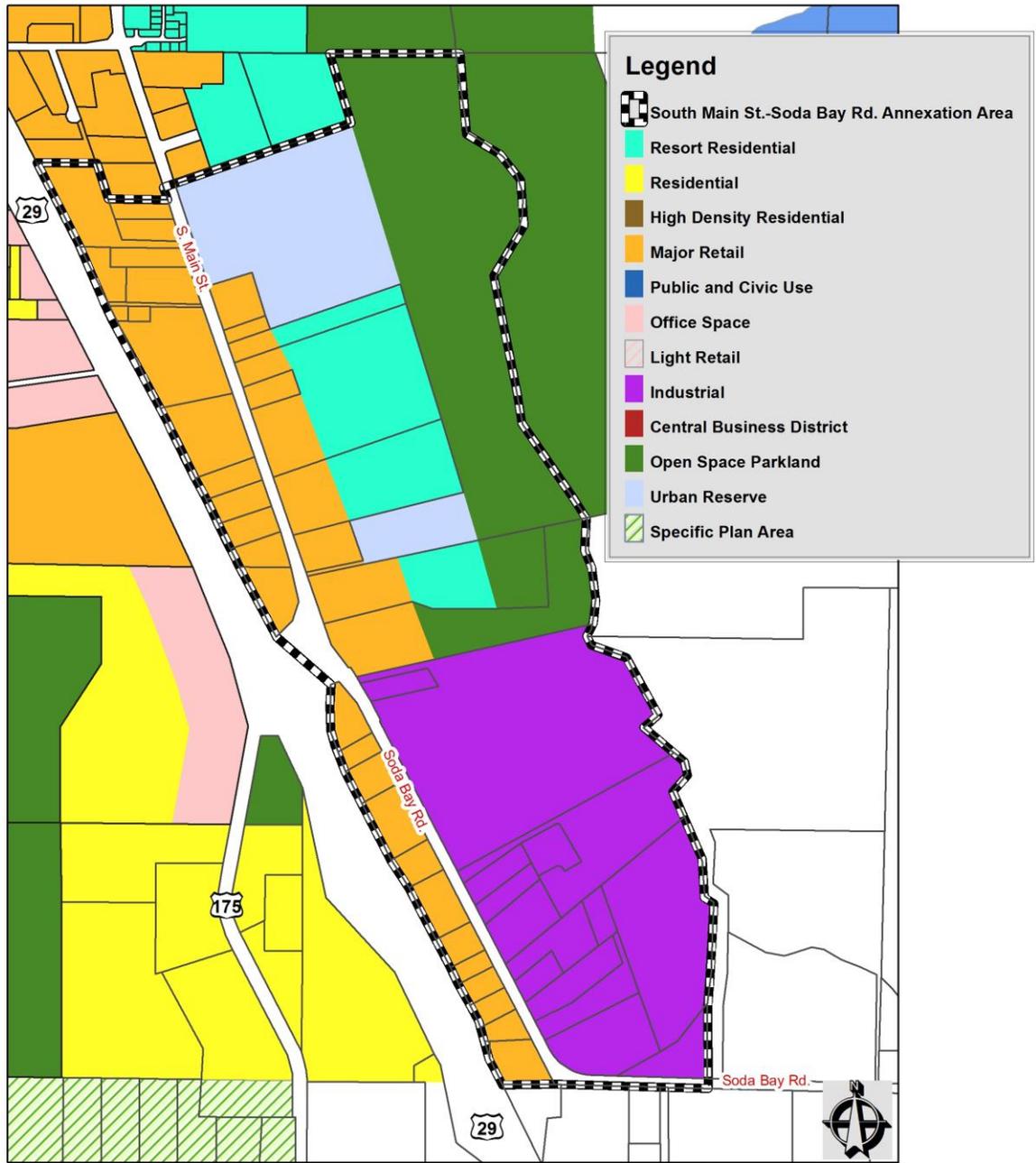
- c) *Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?*

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.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

| | | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

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 Code³⁹ 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

- 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 Plan⁴⁰ 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

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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 priority⁴² 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.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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 Extension⁴³. 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?*

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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.

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

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

| | | 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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*

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

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

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

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