



# CITY OF LAKEPORT PLANNING COMMISSION

## STAFF REPORT

**RE:** GPA 09-01/City of Lakeport 2025 General Plan:

- Recommended changes to the Draft General Plan
- Planning Commission Resolution #76
- Planning Commission Resolution #77

**MEETING DATE:** February 25, 2009

**SUBMITTED BY:** Andrew Britton, Planning Services Manager  
Mark Brannigan, Community Development Director

**PURPOSE OF REPORT:**  Information only  Discussion  Commission Action

### WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

Public hearing, discussion and action regarding recommended changes to the Draft General Plan resulting from comments received at the General Plan workshops in December 2008 and during the 45-day public review period for the Draft Environmental Impact Report as well as during recent City Council discussions regarding the Specific Plan Area in southwest Lakeport.

Public hearing, discussion and action regarding the adoption of two resolutions related to the adoption of the 2025 Lakeport General Plan and certification of the Final Environmental Impact Report for the 2025 Lakeport General Plan.

### SUMMARY OF THE ISSUE:

The City of Lakeport is in the final stages of updating its General Plan. The Public Review Draft of the General Plan update and the Draft Environmental Impact Report for the General Plan update were previously provided to the Planning Commission for their review. The Administrative Draft Final Environmental Impact Report for the General Plan update was distributed to the Commission in late January and the Final Environmental Impact Report was distributed beginning on February 13, 2009.

This staff report addresses comments related to the Draft General Plan that were received at the public workshops held in December 2008 and during the public review period for the Draft Environmental Impact Report. It also includes proposed additional language to the General Plan related to the Specific Plan Area as well as other changes recommended by the Planning Commission and City Council at public hearings in 2007. It is staff's belief that the additional language related to the Specific Plan Area will provide sufficient direction and details regarding the future expansion of the City's Sphere of

Influence (SOI) related to the Specific Plan Area (SPA) in southwest Lakeport as well as the potential for future development in the SPA.

Comments that were received during the public review period that are directly related to the Draft Environmental Impact Report are addressed in the Final Environmental Impact Report (FEIR). Chapter 5 of the FEIR includes the changes to the Draft Environmental Impact Report resulting from the received written comments.

Two Planning Commission resolutions are also attached for your consideration. Approval of these resolutions is needed before the General Plan update and FEIR can be forwarded to the City Council for their consideration.

### **ISSUE ANALYSIS:**

The meeting scheduled for February 25, 2009 is the final Planning Commission hearing on the Lakeport General Plan update which began in 2004. This is the culmination of a long process which included the formation of a General Plan Advisory Committee along with numerous public workshops/meetings where the proposed General Plan was reviewed in detail. The Draft EIR for the General Plan was reviewed by the public, the Planning Commission and the City Council at workshops in December 2008.

California law requires that the Planning Commission conduct a public hearing on the FEIR and on the General Plan and to make a recommendation to the City Council. Staff is recommending that the Planning Commission recommend certification of the FEIR and adoption of the General Plan in accordance with the attached Planning Commission resolutions. There are also several outstanding issues related to the General Plan as discussed below.

### **Specific Plan Area:**

Recent discussion regarding the Draft General Plan and Environmental Impact Report has centered on the proposed expansion of the City's Sphere of Influence to include the Specific Plan Area as shown in Figure 2 of the Draft General Plan. As a result of these discussions staff and the City's General Plan consultant have developed language and related policies and programs related to the Specific Plan Area. The additional language incorporates many of the recommendations (see Attachment A) originally developed by the Golf Course Committee and subsequently reviewed and recommended by the Planning Commission and City Council.

It is staff's belief that the additional language will provide sufficient direction and details regarding the future expansion of the City's Sphere of Influence (SOI) related to the Specific Plan Area (SPA) in southwest Lakeport as well as the future development in the SPA.

1. Page II-4 of the Draft General Plan (Land Use Element) includes a brief discussion regarding the Specific Plan Area:

### **SPECIFIC PLAN AREA (SPA)**

This designation covers the city-owned property and a few private properties south of the current SOI but within the proposed SOI (see [Figure 2](#)). The area is proposed for single and multiple-family residential; including cooperative ownership properties to serve the vacation market; a golf course; and limited commercial, such as a clubhouse or restaurant. Based on the recommended density range of 1-2 units per

acre, the Specific Plan Area could see between 600 and 1,200 residential units at buildout. Consistent zoning districts include, but are not limited to, R-1, R-2, R-3, R-5, UR, and C-1.

Staff recommends that the following language be added:

The Specific Plan Area designation will require the preparation of a Specific Plan in accordance with the state Planning and Zoning Law, Chapter 3, Local Planning, Article 8 (Specific Plans). This statute specifically provides for the preparation of specific plans after adoption of a General Plan. The contents of a Specific Plan are mandated by state law and include:<sup>1</sup>

(a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

(1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

(2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

(4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

(b) The specific plan shall include a statement of the relationship of the specific plan to the general plan.<sup>2</sup>

A specific plan may also address any other subjects which in the judgment of the planning agency are necessary or desirable for implementation of the general plan. The specific plan is also required to comply with the California Environmental Quality Act (CEQA) including the preparation of the required environmental documentation for the adoption of the specific plan. In this case, it is likely that an Environmental Impact Report would be required.<sup>3</sup>

The Specific Plan Area is a high priority for the City for a number of reasons. First it is the site of the City's wastewater treatment, storage, and disposal facilities which must be operational at all times and expanded periodically in order to comply with the Regional Water Quality Control Board (RWQCB) permit and accommodate future growth. Second, a preliminary analysis has been completed that indicates that the existing treatment facility could be upgraded to tertiary treatment and the treated water used to irrigate parks, golf course, landscaping, and food crops (subject to RWQCB permit). This is beneficial because water is a valuable commodity in

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<sup>1</sup> Recommended by the General Plan consultant.

<sup>2</sup> Recommended by the General Plan consultant.

<sup>3</sup> Recommended by the General Plan consultant.

Lakeport. Third, the City has had an interest in the feasibility of developing a golf course for many years.<sup>4</sup>

This Specific Plan Area has not been subject to any public land use evaluation or planning process by the City of Lakeport except for the development activities associated with the wastewater treatment facilities. Prior to the submittal of an application to LAFCO to amend the City's Sphere of Influence to include the Specific Plan area, the City will be required to complete a Specific Plan for this area in accordance with state Planning and Zoning laws. See the Urban Boundary Element for related policies and programs.<sup>5</sup>

2. Page III-6 of the Draft General Plan (Urban Boundary Element) includes policies and programs related to the designation of growth areas that can be served by the logical extension of City infrastructure. Staff recommends the addition of Program UB 4.2-c to Policy UB 4.2 as described below. Staff also recommends the addition of the word "proposed" to Program UB 4.2-a.

**Policy UB 4.2: Urban Services and Annexations.** Prior to annexation of residential land into the Lakeport City limits, it must be demonstrated that complete urban services including water, sewer and storm drainage systems are in place and can sufficiently serve the area to be annexed.

**Program UB 4.2-a: Annexations in the Southern SOI.** Pursue annexation of commercial and industrial lands within the proposed southern SOI.

**Program UB 4.2-b:** Pursue application to LAFCO to amend the Sphere of Influence as shown on Figure 3.

**Program UB 4.2-c:** Prior to the submittal of an application to LAFCO to amend the City's Sphere of Influence to include the Specific Plan Area, the City shall prepare a Specific Plan in accordance with the state Planning and Zoning Law, Chapter 3, Local Planning, Article 8 (Specific Plans). Specific issues that must be addressed include, but are not limited to, maintaining adequate sewer treatment capacity to meet the future needs of Lakeport; hillside development regulations; the presence of environmentally-sensitive habitat including oak woodlands; Lampson Airport flight path corridor; storm water drainage and water quality; and transportation/circulation impacts.<sup>6</sup>

The proposed program emphasizes the need to complete a Specific Plan, in accordance with State law, before the City initiates an application to amend the Sphere of Influence to include the designated Specific Plan Area.

3. Pages II-5 and II-6 of the Draft General Plan (Land Use Element) set forth the land use policies related to residential areas. Staff recommends the following policy, which

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<sup>4</sup> Recommended by the Planning Commission and City Council in 2007 (see Attachment A). References to "General Plan for Area A" and "General Plan" have been replaced by "Specific Plan Area" and "Specific Plan."

<sup>5</sup> Developed by staff.

<sup>6</sup> This Program was developed by Staff to provide additional direction regarding the Specific Plan Area consistent with the expanded Specific Plan Area discussion in the Land Use Element.

was reviewed and recommended by the Planning Commission and City Council<sup>7</sup>, be added to this section of the Draft General Plan. Where necessary, references to "General Plan for Area A" and "General Plan" have been replaced by "Specific Plan Area" and "Specific Plan."

**Policy LU 1.8:** ~~GENERAL PLAN AREA A POLICY~~ Specific Plan Area: The City shall implement the provisions of Section 65450 through 65457 of the California Government Code and complete a ~~General Specific~~ General Specific Plan for the area designated ~~General Specific~~ General Specific Plan Area A-upon inclusion of this area within the Lakeport Sphere of Influence, prior to pre-zoning, annexation, and applications for development (entitlement) proposals.

The ~~General Specific~~ General Specific Plan for ~~Area A~~ the Specific Plan Area shall include a text and diagram which specify the distribution, location, and extent of uses of land, including open space, public and private transportation, sewage, water, drainage, solid waste, energy, and other essential facilities proposed to be located within the area covered by the Plan and needed to support the land uses described in the Plan.

The ~~General Specific~~ General Specific Plan ~~for Area A~~ shall include standards and criteria by which all development will proceed, and the standards for the conservation, development, and utilization of natural resources, along with a program to implement measures, including regulations, programs, public works projects, and financing measures to carry out the above.

The ~~General Specific~~ General Specific Plan ~~for Area A~~ shall also include a statement as to the relationship of the ~~General Plan for Area A~~ Specific Plan to the General Plan (Land Use Element).

#### **Other Changes Recommended by the Planning Commission and City Council in 2007:**

Attachment A lists the recommended changes to the General Plan that were approved by the Planning Commission and City Council in 2007. Some of the recommended language and policies were previously added to the Draft General Plan and other language, related to the Specific Plan Area, is recommended to be added as discussed in the preceding section. Other recommended changes which address the 2007 recommendations are described below.

It is important to note that the recommendations outlined in Sections 3 and 4 of Attachment A are not recommended for inclusion in the General Plan because, according to the City's General Plan consultant, the housing unit growth projections described in these sections is inconsistent with the growth projections set forth in the Environmental Impact Report (EIR). The EIR projected an annual growth rate of 1.445% and the annual growth projections set forth in Sections 3 and 4 of Attachment A range from 1.1% (low growth) to 2.5% (moderate growth) and 3.1% (high growth). The moderate and high growth scenarios are extremely unlikely to occur given the historical and

<sup>7</sup> See Attachment A

projected growth rates for the City of Lakeport. Incorporating these higher growth projections into the General Plan will negatively impact the findings set forth in the EIR according to the General Plan consultant. The consultant indicated "the recommended language assumes growth rates are based on buildout. This is not a commonly accepted methodology to calculate growth projections, since growth projections are based on market conditions, birth rates, in-migration and out-migration. Growth rates in a particular community are also influenced by statewide factors." The consultant indicated that "since the EIR is required to analyze a worst case scenario, if the recommended language were added, the EIR would have to be revised to reflect the high scenario and recirculated for a 45-day review period." Please see the attached correspondence (Attachment B) from the General Plan consultant regarding this issue.

One objective and several policies in the Urban Boundary Element of the General Plan and two policies in the Conservation Element were recommended to be included or revised as outlined in Attachment A. Staff recommends adoption of the changes described below:

1. **Objective UB 2: To Minimize Urban Sprawl and Leap-Frog Development.** This objective is in the Draft General Plan (See Pg. III-5).
2. Revisions to Policy UB 2.1 related to infill development. Staff recommends modification of the policy consistent with the language in Attachment A. The policy in the draft General Plan and the recommended changes are shown below:

**Policy UB 2.1: Infill Development.** ~~First priority shall be given to infill development and to development of vacant, underdeveloped, and/or redevelopable land where urban services are or can be made available. Parcels should be substantially contiguous to existing development. The City should encourage infill development, but recognize that infill development can only provide some of the land needed for residential development in the future.~~

3. New policy related to establishing a priority system for annexations to the City. The reference to General Plan Area A has been replaced by Specific Plan Area for consistency purposes. The term "southwestern" is recommended to be added to Section C because Figure 2 of the Draft General Plan identifies a "southwestern" Sphere of Influence area.

**Policy UB 2.2: Annexation Priority: The City should pursue annexations based on the following priority system:**

- A. Commercial and industrial land along South Main Street and Soda Bay Road.
  - B. Land designated as ~~General Specific~~ Plan Area ~~A (GPA)~~.
  - C. Land within the southern, southwestern and western Sphere of Influence.
4. Attachment A identifies a new/revised policy (UB 2.3) related to an urban management agreement with the County. The policy is in the Draft General Plan (UB 2.2, Pg. III-5) but must be renumbered from UB 2.2 to UB 2.3 if the annexation priority policy outlined above is added to the Plan. Furthermore, the recommended version

in Attachment A calls for a slight modification with the addition of a single word as shown below:

**Policy UB 2.23: Urban Management Agreement:** Work with Lake County to ensure that development outside the City limits is supportive of and complimentary to the future growth plans of the City of Lakeport. The two jurisdictions should work towards developing and entering into an urban management area agreement.

5. Revised policy related to residential development within the Lakeport Sphere of Influence but outside the City limits. Existing language and proposed modifications are provided:

**Policy UB 3.4: Residential Development and Annexations:** Residential development should ~~not occur~~ be discouraged within the Lakeport Sphere of Influence prior to annexation.

6. Revised policy related to the extension of urban services. Existing language and proposed modifications are provided:

**Policy UB 4.1: Urban Services Extensions:** ~~Complete~~ The full range of urban services including water, sewer, and storm drainage systems shall not be extended outside of the urban boundaries for the purposes of development in rural areas.

7. Revised policy related to urban services and annexations. Existing language and proposed modifications are provided:

**Policy UB 4.2: Urban Services and Annexations:** Prior to the annexation of residential land into the Lakeport City limits, it must be demonstrated that ~~complete~~ the full range of urban services including water, sewer, and storm drainage systems can be provided to serve the area to be annexed. The full range of urban services including water, sewer, and storm drainage systems shall not be extended outside of the urban boundaries for the purposes of development in rural areas.

8. Recommendation to add new policy related to submitting an application to LAFCO to amend the Sphere of Influence boundary as shown in Figure 3 of the Draft General Plan. No change is recommended because the recommended policy is currently included in the Draft General Plan (Pg. III-6) as a program activity:

**Program UB 4.2-b:** Pursue application to LAFCO to amend the Sphere of Influence as shown in Figure 3.

9. Recommendation to revise policy in the Conservation Element related to agricultural lands. Existing language and proposed modifications are shown:

**Policy C 7.1: Annexation of Agricultural Lands:** Discourage the annexation of ~~productive~~ prime agricultural lands for urban uses.

Prime agricultural land is generally defined as Class I and II based on the methodology of the Soil Conservation Service classification system (see Section 56064 of the California Government Code for a full definition).

10. Recommendation to revise Policy C 7.1 of the Conservation Element related to the use of wastewater for irrigation purposes. The recommended language outlined in Attachment A was reviewed by the General Plan consultant who expressed concerns about the narrow scope of some of the language.<sup>8</sup> The consultant indicated that the recommended language could be construed as a recommendation to upgrade the existing treatment facility to a tertiary treatment facility. This recommendation is not addressed in policy form in the General Plan and, according to the consultant, it could be argued that “the EIR should have studied the effects of building a tertiary plant.” Furthermore, the proposed language implies that tertiary treatment “is the only way to accomplish using wastewater for irrigation purposes when the wastewater is currently being used for irrigation purposes.” The consultant also notes that the current irrigation activities “could be expanded with the expansion of the plant without going to tertiary treatment, although certain types of irrigation would not be allowed without tertiary treatment.” The consultant has recommended alternative language which has been incorporated into a revised policy that is provided below. Also shown is existing policy contained in the Draft General Plan:

Existing language in Draft General Plan:

**Policy C 7.2: Wastewater for Irrigation.** Continue to expand the use of wastewater for irrigation of agricultural uses, parkland, highway medians and other appropriate areas.

Modified policy as recommended by the Planning Commission and City Council, including changes recommended by the General Plan consultant:

**Policy C 7.2: Wastewater for Irrigation.** Explore the alternative use of wastewater for irrigation purposes beyond the existing spray irrigation activities. There are many ways to accomplish this; including pursuing the Sphere of Influence amendment and annexation of the General Plan Area A. This can be accomplished by pursuing the Sphere of Influence amendment and annexation of the General Plan Area A (GPA) Specific Plan Area which includes the City’s sewer treatment facility. This policy may be carried out by converting the treatment facility to tertiary treatment to allow food crops to be irrigated. In the event the treatment facility is converted to a tertiary treatment facility, there may be additional opportunities for wastewater irrigation for certain types of food crops in addition to potentially using the water to irrigate parks, playgrounds, and other similar uses subject to RWQCB permit. A small portion of the CLMSD property is designated as “prime agricultural land” and “farmland of local importance.” The City will attempt to maintain the “prime agricultural land” by leasing it for agricultural purposes.

### **December 2008 Workshops:**

Discussion and responses to comments received at the December 2008 General Plan Workshops:

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<sup>8</sup> Please see Attachment B (2/5/09 email from Kim Hudson, Quad Knopf).

1. Suggestion from audience that the city consider re-naming the Urban Boundary Element to something that reflects the community better.

**Response:** Staff does not believe that a change is warranted given that it is a standard term for this Element. Furthermore, according to an online "geography" dictionary, the term Urban is defined as: "of, living or situated in a city or town." Although relatively small, Lakeport is an incorporated city and thus meets the definition of an urban community. No change is recommended.

2. Suggestion from audience related to Policy T. 30.1 (Transportation Element) to include specific criteria regarding the height of lighting that will serve pedestrian paths and sidewalks.

**Response:** Program 30.1-a. is related to Policy T. 30.1 and describes the need to "establish lighting standards and specifications for pedestrian paths and sidewalks in the Zoning Ordinance." No change to the General Plan is recommended as this issue will likely be addressed as part of a future update to the City's Zoning Ordinance.

3. Staff noted that Objective ED 4 (Economic Development Element) references the infill development of commercial and industrial properties within the City limits. The Industrial land use designation has been eliminated in the existing City limits in the Draft General Plan. Areas formerly designated as Industrial are now designated Major Retail and may be suitable for a C-3 Service Commercial zoning designation. Staff therefore recommends adoption of the proposed modified objective:

**OBJECTIVE ED 4: TO SUPPORT INFILL DEVELOPMENT OF COMMERCIAL AND INDUSTRIAL SERVICE COMMERCIAL PROPERTIES WITHIN THE CITY LIMITS.**

4. Suggestion from audience to re-evaluate Policy ED 12.1 (Economic Development Element) which addresses restricting Formula Retail Businesses.

**Response:** This policy was reviewed by staff and no changes are recommended. The General Plan notes that Policy ED 12.1 will go into effect only if the City of Clearlake and the County of Lake adopt the same provisions.

5. Suggestion from audience to eliminate Program ED 11.1-a due to the fact the Sirolli Institute is no longer active in the community.

**Response:** Staff agrees and recommends deletion of this program:

~~**Program ED 11.1-a: Support the actions recommended by the Sirolli Institute to improve the local economic support network.**~~

6. Suggestion to consider revision to Program C 1.1-c to increase the level of mitigation for the loss of native species beyond the 3:1 replacement ratio recommended in the Plan.

**Response:** The City's zoning ordinance currently requires a 1:1 replacement ratio (LMC Section 17.21.050). Staff has reviewed this issue and recommends modifying the Program to require a higher replacement ratio for "heritage" trees. The revised program also includes a description of heritage trees. Adoption of the proposed Program will allow the future amendment of the zoning regulations to increase the standard replacement ratio from 1:1 to 3:1 and the ratio for significant heritage trees to 5:1. Existing language and proposed modifications are shown:

**Program C 1.1-c:** Revise the Zoning Ordinance to Require-require revegetation plans to include native species; the fencing of sensitive areas and construction activities; a 3:1 replacement for any tree removed; and undergrowth revegetation. Heritage trees (trees that are at least 36 inches in diameter or any tree having significant historical or cultural importance to the community) shall be replaced at a 5:1 ratio.

- Discussion regarding the Open Space, Parks and Recreation Element related to the inclusion of the surrounding parking lots as part of the total amount of acreage at Lakefront Park.

**Response:** Staff discussed this issue with the General Plan consultant and it was concluded that the parking lots have a direct relationship with the recreation activities in the park and therefore should be included in the total acreage amount. No changes are recommended.

- Suggestion to modify Table 14 on Page VIII-2 of the Open Space, Parks and Recreation Element to remove "open space" from the table title as the table only lists park facilities.

**Response:** Staff supports the recommended change and also suggests adding the word "existing" as shown below:

**Table 14**  
**Existing Parks and Open Space – City of Lakeport**

Park	Size (acres)	Current Use
Lakefront Park	5.0 <sup>1</sup>	Picnicking, boat ramp, parking lot
Library Park	3.5	Picnicking, play lot, gazebo, boat ramp, dock, and swimming
Westside Community Park	55	Athletic fields, playground (only 8 acres have been developed at this point, the remainder will develop as funds become available).
<sup>1</sup> Most of the 5 acres is used for parking.		

- Question from a representative of one of the local Native American tribes related to the cultural resources record search that was done in conjunction with the General Plan update.

**Response:** Details regarding the record search were subsequently provided to the questioner. Also, staff noted that two mitigation measures (Program PR 1.10-b and Program PR 1.10-c) related to cultural resources that are contained in the EIR are not in the Public Review Draft of the General Plan. Both of these programs were revised by the General Plan consultant in response to comments received during the EIR public review period and will be included in the final General Plan document. The revised programs are set forth in the Final Environmental Impact Report (see Chapter 3, Responses to Letter 3 and Letter 8).

- Brief discussion regarding spelling/grammar errors. Suggestion to revise Policy CD 7.5 to correct the spelling of the term "xeriscape".

**Response:** Staff recommends modification of the policy as shown below:

**Policy CD 7.5: ~~Zeroscaping~~Xeriscaping.** Utilize drought resistant landscaping such as ~~zeroscapexeriscape~~. Limit the amount of turf or lawn area of the site and require use of water conserving irrigation systems.

An audience member also suggested that the document be reviewed to verify that the terms "complement" and "compliment" are used appropriately. This suggestion was forwarded to the General Plan consultant.

### **Draft Environmental Impact Report-- Public Review Comments:**

Chapters 2 and 3 of the Final Environmental Impact Report (FEIR) address the comments that were received during the public review period for the Draft Environmental Impact Report (DEIR) that ran from November 4, 2008 to December 18, 2008. One letter was received after the close of the public review period but is also addressed in the FEIR.

As stated on Page 1-1 of the FEIR, the document provides the City an opportunity to respond to comments received on the Draft EIR during the public review period and to incorporate any additions or revisions to the DEIR necessary to clarify or supplement information contained in the Draft document.

The majority of the written comments received during the public review period, including Letters 1, 3, 5, 6, 7, 8 and 9, addressed the Environmental Impact Report and related environmental issues. Detailed responses to these letters were prepared by the General Plan consultant and are included in the FEIR. As noted on Page 3-1 of the FIER, the consultant's responses are "intended to either supplement, clarify, or amend information provided in the DEIR, or refer the commenter to the appropriate place in the DEIR where the requested information can be found." In some instances, the consultant has recommended changes to policies and programs in order to adequately address the issues raised in the submitted comments.

Staff has reviewed the FEIR, including the responses prepared by the General Plan consultant and the related policy and program modifications, and recommends that the Planning Commission approve the document and forward it to the City Council for their review and approval. This action will be discussed later in the staff report.

Some of the responses received during the public review period are not directly related to the EIR or related environmental issues. As such, they were not addressed in the FEIR. The FEIR indicates that "the Lead Agency will consider these comments when they consider the merits of the plan document." Descriptions of the comments that are to be addressed by the City are provided below along with staff's response. Please refer to the FEIR for the complete text of the letters referenced below.

Letter 2 / Cheri Lee Glenn Holden: The General Plan consultant noted that this letter includes comments solely related to the Draft General Plan rather than the Draft EIR.

The letter includes a variety of comments, but very few questions or suggestions. The comments are generally related to the Land Use and Urban Boundary elements. Some of the comments require a response:

- ❖ Comment regarding Policy 2.1 of the Urban Boundary Element which is related to infill development. This policy states that "parcels should be substantially contiguous to existing development." The submitted letter states that "the

proposed modified Sphere of Influence doesn't touch the city boundaries anywhere."

**Response:** *This is not correct as Figure 2 of the Land Use Element includes a map which shows that the city limit boundary in southwest Lakeport is contiguous to the proposed Specific Plan Area and the modified Sphere of Influence boundary.*

- ❖ The letter references the potential development of 2,400 units in the Specific Plan Area.

**Response:** *As noted in the response to Letter 5 in the FEIR (Response 5E), the Specific Plan Area would allow 1,200 units rather than 2,400 units cited in the letter.*

- ❖ "The relationship of this development and the City of Lakeport's sewer facility has not been clearly defined."

**Response:** *The response to Letter 5 in the FEIR (Response 5E) indicates that wastewater treatment is discussed on pages 3-155 through 3-156 and 3-165 of the DEIR. This response also notes that development within the Specific Plan Area would require the preparation of a Specific Plan which outlines "exactly how wastewater treatment would be provided to the subject site as well as how the wastewater treatment facilities would be funded."*

- ❖ "In conclusion the location of the area of the proposed SOI and its development as a residential golf course complex conflicts with cited purposes, policies and objectives of the current draft City of Lakeport General Plan. Therefore the current Sphere of Influence should remain in place, as is. The integrity of the plan will then be nearly achieved."

**Response:** *Staff believes that the proposed southward expansion of the City's Sphere of Influence has been adequately addressed by the City. The response to Letter 4 in the FEIR (Response 4B) indicates the development of the Specific Plan Area will require a Specific Plan which "would require extremely detailed studies of the site as well as infrastructure plans and the identification of financing mechanisms." Furthermore, the addition of the recommended language and policies related to the Specific Plan Area, as discussed in the first section of this staff report, adequately address the concerns expressed in this letter.*

Letter 4 / Janet E. Cawn: The General Plan consultant noted that portions of this letter include comments related to the Draft General Plan rather than the DEIR, including Sections 4C and 4D.

Section 4C: "Reference documents are named in several parts of the General Plan, but no specific citations were indicated. There are no references to plans that should be considered, such as the County General Plan, the Lakeport Area Plan, the County's Integrated Water Management Plan, and so forth."

**Response:** *The City's General Plan update and the Environmental Impact Report for the General Plan have been prepared in accordance with the requirements of the California Environmental Quality Act. Staff, and the City's consultant, believes it includes adequate information regarding the Lakeport planning area. It is unclear*

how the inclusion of references to plans and documents administered by the County of Lake would affect the objectives, policies and programs set forth in the proposed General Plan.

Section 4D: "Some policies, objectives and goals are in conflict with each other, especially large-scale proposed development projects in relation to preservation of rural assets, conservation, and local business promotion."

**Response:** *There are no large-scale development projects proposed in the General Plan. This comment is likely related to the expanded Sphere of Influence area in south Lakeport and discussion regarding potential development within the Specific Plan Area. As described in the response to Letter 2, above, the proposed language and policies related to the Specific Plan Area, as recommended in this staff report, are intended to address the concerns related to the proposed Specific Plan Area.*

Letter 10 / California Department of Transportation (Caltrans): The General Plan consultant noted that Section A of this letter addresses the Draft General Plan rather than the DEIR. This section includes a number of recommended changes and staff has consulted with the City Engineer to develop the following responses.

- ❖ Transportation Element, Page IV-5, second paragraph. "We recommend removal of the discussion of potential future needs, as these needs are more appropriately identified in a 'future needs' section based on reasonable growth to be projected for the twenty-year planning horizon."

**Response:** *Staff agrees with this recommendation and suggests modification of the paragraph as shown below. Furthermore, the City's potential future needs are addressed in the Roadway Improvements section on Page IV-9 of the Draft General Plan.*

Although construction of the State Highway 29 freeway has reduced congestion downtown, it is now a barrier inhibiting east-west circulation through the Planning Area. Access across State Route 29 is only available at: Eleventh Street; Martin Street; Lakeport Boulevard; the South Main Street intersection with Highway 29; and the Hill Road crossing, as indicated in Figure 4. ~~Additional capacity on existing roads will be required to accommodate increased traffic crossing the freeway as the areas to the west of State Route 29 develop.~~

- ❖ Transportation Element, Page IV-5, fourth paragraph: reference to "Principle Arterials." "We recommend deletion of the word 'Principal,' as the term 'Principal Arterial' has specific meaning which would only apply to SR 29 in the Lakeport area."

**Response:** *Staff agrees with this recommendation and recommends modification of the paragraph as shown below:*

Traffic volumes continue to increase on ~~principal~~ arterials and many collectors, particularly in the downtown district. The central core, bounded by First, Third, Forbes and Park Streets, generates more vehicular traffic than anywhere else in Lakeport. The majority of north-south through traffic is carried on State Route 29 and on the Main Street, High Street, Lakeshore Boulevard corridor. East/west traffic volumes are the highest on Lakeport Boulevard and Eleventh Street.

- ❖ Transportation Element, Page IV-8, Historic Growth Trends including Table 13. "The current General Plan Update does not include any projected growth rates for traffic and analyzes impacts of buildout of the General Plan. We recommend the use of sound data sources to project a reasonable rate of growth over the 20-year planning period rather than basing projected needs on 100 percent buildout."

**Response:** *The City Engineer reviewed the Draft Environmental Impact Report and notes that on Pages 3-130 and 3-131 the trip generation methodology is discussed. This section indicates that the traffic projections are based on the "the land use expected to develop over the life of the General Plan." These projections do not reflect the total maximum buildout of all available land area. This is reflected in Table 3.12-9 on Page 3-131 which indicates that 350.8 acres of available land designated Low Density Residential will result in the development of 1,063 dwelling units. This represents approximately 43% of the maximum buildout allowed using the maximum allowable density (7.26 dwelling units per acre). Maximum buildout would equal 2,547 new dwelling units. Therefore, the traffic projections contained in the document are appropriately based on the expected land use development over the life of the General Plan. No changes are recommended.*

- ❖ Transportation Element, Figure 6, Recommended Roadway Improvements / Appendix B, Draft General Plan. "Appendix B, page 2, identifies a full freeway interchange at the Route 29/Martin Street intersection, which is not shown in Figure 6. No discussion is provided for omitting this recommendation and including the proposed interchanges at Routes 29/175 and Route 29/Hill Road. This inconsistency should be addressed."

**Response:** *The commenter is correct regarding the inconsistent information. Staff recommends removal of the reference to the Martin Street interchange in Appendix B. Staff also recommends the elimination of references to the Hill Road/Highway 29 interchange in Figure 6 and Appendix B as this area is not within the City's proposed Sphere of Influence.*

*Modified portion of the Recommended Roadway and Intersection Improvements table in Appendix B:*

On-Road	From	To	Project Rationale	Type of Project	Summary Description
HW 29	Lakeport Planning Area		Capacity Operation	Widen	Work with CALTRANS to widen to 4 lane freeway between Lakeport and Kelseyville to 4 lane freeway/ expressway.
<del>HW 29</del>	<del>Interchange</del>	<del>Martin St.</del>	<del>Capacity Operation</del>	<del>Interchange</del>	<del>Work with CALTRANS to establish a full interchange in HW 29 at Martin St.</del>
<del>HW 29</del>	<del>Interchange</del>	<del>Hill Rd.</del>	<del>Capacity</del>	<del>Interchange</del>	<del>Develop a full freeway interchange at Hill Rd. crossing with HW 29 providing a link between Shady Lane and Hartley St. in north Lakeport.</del>

*Figure 6, Transportation Element: Eliminate the proposed freeway interchange at Hill Road/Highway 29.*

- ❖ Transportation Element, Figure 7, Bikeway Plan. "We recommend that the Bikeway Plan map identify the particular Bike Route class I, II, or III of the existing and proposed routes identified so that roadway improvements can be coordinated with the appropriate bike facility. Opportunities for funding of bike facilities should also be discussed or referenced"

**Response:** *Staff and the City Engineer reviewed Figure 7 and related bicycle transportation policies (Policies T 21.1 through T 24.1) and determined that maintaining the existing language will provide necessary flexibility regarding future construction of various classes of bicycle routes. Program T. 21.1-f indicates that Class 2 (or II) bikeways should be incorporated into new arterial and collector streets wherever feasible. No changes are recommended to Figure 7.*

*Regarding the issue of funding, staff recommends the addition of the word "multi-modal" in the second sentence of the Funding section on Page IV-10 of the Draft General Plan. This addition addresses the need for bicycle (and pedestrian) facilities in conjunction with other road improvements. Specific funding programs are not discussed as they may change over the life of the General Plan.*

*The first two sentences of the Funding section including the proposed modification:*

## **FUNDING**

As the City continues to grow, there will be a need to identify increased revenue sources in order to maintain and improve the Lakeport street system. New development shall pay for its share of **multi-modal** transportation improvements required to accommodate the growth that it generates.

- ❖ Transportation Element, Page IV-13, Policy T 6.1. "We recommend that the Roadway Design Standards policy be expanded to ensure standards accommodate multi-modal uses: vehicles, bikes and pedestrians as appropriate. This recommendation is consistent with the California law, Complete Streets (AB 13588, passed in 2008), which requires cities and counties to ensure that local roads and streets adequately accommodate the needs of bicyclists, pedestrians, transit riders, as well as motorists."

**Response:** *Staff agrees that Policy T 6.1 should be expanded to include reference to multi-modal uses and recommends the following modifications:*

**Policy T 6.1: Roadway Design Standards.** Establish specific **roadway** design standards for the construction and improvement of highway arterials, collectors and local streets. The design standards shall accommodate the needs of all users including bicyclists, pedestrians, transit riders and motorists in accordance with the Complete Streets Act of 2008.

- ❖ Transportation Element, Page IV-15, Program T 12.1-d (letter refers to Policy T 12.1-d). "This policy states that traffic studies will be required for all high traffic generating uses. We recommend that either additional guidelines be developed or that this policy be more specific with regard to the threshold

number of trips or the types of uses. The Caltrans Guide for the Preparation of Traffic Impact Studies is available as an example and can be found on-line at: [www.dot.ca.gov/dist1/d1tranplan/tisguide-Dec02.pdf](http://www.dot.ca.gov/dist1/d1tranplan/tisguide-Dec02.pdf)"

**Response:** Staff agrees that Program T 12.1-d should be modified to provide additional direction regarding the establishment of criteria/thresholds for the preparation of traffic studies in conjunction with new development projects. Staff recommends the following modified program:

**Program T 12.1-d:** Revise the Zoning Ordinance to establish thresholds and guidelines for the implementation of traffic impact studies and to ~~Require~~ require traffic studies for all high traffic generating uses.

- ❖ Appendix B, Draft General Plan, Recommended Roadway and Intersection Improvements. "We recommend Page 3 of the appendix be revised to incorporate consideration of modern roundabouts (as described in the Federal Highway Administration publication number FHWA-RD-00-067) as a viable alternative to signalization whenever signal warrants are met."

**Response:** Staff agrees with this recommendation and suggests changing the name of the table on Page 3 of Appendix B as follows:

Intersections Recommended For Improvements (Signalization or Modern Roundabout)

- ❖ Appendix B, Draft General Plan, Recommended Roadway and Intersection Improvements. "Funding for the two proposed interchanges on Route 29/Martin Street and at Route 29/Hill Road (Appendix B, page 2) is not expected to be available from public sources within the planning horizon established in the General Plan Update. Any proposals for new interchanges will need to address potential funding sources and the feasibility of constructing projects to State interchange spacing and design standards. We recommend considering the modification of existing interchanges to increase capacity as needed."

**Response:** In response to a previous comment from Caltrans, staff recommended removal of the references to the Martin Street and Hill Road interchanges in the Recommended Roadway and Intersection Improvements table in Appendix B. Figure 6 of the Draft General Plan was also recommended for revision to eliminate the reference to the Hill Road interchange. No further changes are necessary to address this comment.

### **Miscellaneous Revisions:**

- ❖ Conservation Element, Page VII-1, first paragraph. Staff noted a reference to the "Circulation Element". The plan should reference the Transportation Element. No other references to the "Circulation Element" were found in the document.
- ❖ Economic Development Element, Page VI-7, note preceding Policy ED 12.1. Policy ED 12.1 is related to the potential regulations for formula retail businesses. The note preceding the policy indicates that "the following policies will only go into effect if the City of Clearlake and the County of Lake adopt the same provisions." There is a

single policy related to formula retail businesses and therefore staff suggests that the preceding note be amended to read:

*Note: Policy ED 12.1 will only go into effect if the City of Clearlake and the County of Lake adopt the same provisions.*

### **Planning Commission Resolutions:**

Two Planning Commission Resolutions are attached for your consideration. Planning Commission Resolution No. 76 (2009) recommends certification of the Final Environmental Impact Report (FEIR) for the 2025 General Plan. This resolution describes the activities that were undertaken in conjunction with the preparation of the EIR including public notices, public hearings and other public meetings. The resolution also addresses the EIR's compliance with the California Environmental Quality Act.

Resolution No. 76 includes an attached exhibit (Exhibit A) which is the Statement of Overriding Considerations. The Statement of Overriding Considerations describes the significant environmental impacts of the proposed General Plan which cannot be avoided or mitigated to a level of insignificance. The document identifies significant unavoidable impacts related to Population and Housing and Transportation/Traffic. As described in Section D of the exhibit, it has been "determined that the unavoidable impacts of the proposed project are acceptable when balanced against the benefits of the project." A number of findings are included to support this determination.

Resolution No. 77 (2009) recommends adoption of the 2025 General Plan to the Lakeport City Council. This resolution describes the various meetings, workshops and hearings that were held since the General Plan update project began in 2004 and indicates that the adoption of the 2025 General Plan is considered an amendment to the existing General Plan. Resolution No. 77 addresses compliance with the California Government Code regarding General Plan Amendments and compliance with the California Environmental Quality Act with respect to the preparation of the Environmental Impact Report (EIR) for the General Plan update.

Staff recommends approval of Planning Commission Resolution Nos. 76 and 77.

### **NEXT STEPS:**

The immediate next step in the General Plan update process includes the proceedings of the meeting on February 25<sup>th</sup>: the Planning Commission taking public testimony on the proposed modifications to the City's General Plan and providing comments and direction to staff on the received comments and the recommended changes set forth in this staff report. Any recommended changes will be incorporated into a revised staff report that will be presented to the City Council. The Planning Commission is requested to make a recommendation on the General Plan to the City Council at this time. The Commission is also asked to take action on the two resolutions discussed in the preceding section.

Subsequent to receiving a recommendation from the Planning Commission, the City Council will conduct a public hearing to consider certifying the Final EIR and adopting the General Plan.

### **SUGGESTED MOTION:**

Move that the Planning Commission approve the recommended modifications to the Lakeport General Plan (File GPA 09-01) as described in the Planning Commission Staff Report dated February 25, 2009, including the approved changes resulting from the Planning Commission Public Hearing.

Further move that the Planning Commission approve the following resolutions:

- ❖ Planning Commission Resolution No. 76 (2009) recommending certification of the Final Environmental Impact Report for the 2025 Lakeport General Plan.
- ❖ Planning Commission Resolution No. 77 (2009) recommending adoption of the 2025 Lakeport General Plan to the Lakeport City Council, including text and land use map, as presented and amended at the Planning Commission Public Hearing on February 25, 2009.

The Planning Commission's approval of the two resolutions is based on the findings outlined in Sections 1 through 4 of Resolution No. 76 as well as the Statement of Overriding Considerations (Exhibit A) attached to Resolution No. 76. Additional findings are outlined in Section B of Resolution No. 77. Approval of the recommended changes to the General Plan is based on the facts and information outlined in the Planning Commission Staff Report dated February 25, 2009 as well as the pertinent comments received at the Planning Commission Public Hearing on February 25, 2009.

- Attachments**    Attachment A (2007 Recommended Changes to the Draft General Plan)  
Attachment B (email correspondence from Quad Knopf regarding 2007 recommended changes)  
Planning Commission Resolution No. 76 (2009) [including Exhibit A]  
Planning Commission Resolution No. 77 (2009)