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5 CITY OF LAKEPORT SPHERE OF INFLUENCE

This Sphere of Influence update is prepared for the City of Lakeport and is based upon a Municipal Services Review for both sewer and water services that analyzed the capability to serve existing and future residents in the area. Information contained in this Sphere of Influence is only as of the date of adoption.

5.1 Sphere of Influence Requirements

5.1.1 LAFCO's Responsibilities

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.) is the statutory authority for the preparation of an MSR, and periodic updates of the Sphere of Influence of each local agency. A Sphere of Influence is a plan for the probable physical boundaries and service area of a local agency, as determined by the affected Local Agency Formation Commission (Government Code §56076). Government Code §56425(f) requires that each Sphere of Influence be updated not less than every five years, and §56430 provides that a Municipal Service Review shall be conducted in advance of the Sphere of Influence update.

5.1.2 Sphere of Influence Determinations

In determining the Sphere of Influence for each local agency, LAFCO must consider and prepare a statement of determinations with respect to each of the following:

1. The present and planned land uses in the area, including agricultural and open space lands;
2. The present and probable need for public facilities and services in the area;
3. The present capacity of public facilities and adequacy of public services which the agency provides, or is authorized to provide; and
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

5.1.3 Lake LAFCO Sphere of Influence Policies

In addition to State requirements for SOIs, Lake LAFCO has adopted policies regarding Sphere of Influences in the County and minimum requirements necessary in order to update or adopt an agency's SOI. Highlighted requirements are summarized as follows:

1. The Sphere of Influence Plan must be consistent with LAFCO's policies, State law, other agencies' SOI plans, the municipal service review, and long range planning goals of the area.
2. LAFCO will not include lands that are unlikely to require the services of the agency or which cannot be feasibly served within a time frame consistent with the sphere plan.
3. Agencies are encouraged to keep the supporting documentation for their SOI plans up to date.
4. A City Sphere of Influence Plan shall contain the following:
 - a. A sphere map and phased plan for annexation of the depicted territory defining the probable boundary of the agency's service area 20 years hence (the long-term horizon) and identifying a near-term development horizon defining the agency's logical boundary for lands likely to be annexed prior to the next sphere review or update (typically within five years).
 - b. Documentation to support the Commission's determinations regarding the factors stated in §56425(e), generally in the form of the municipal service review.
 - c. When required by Government Code §56425(b), a city and the county shall meet and confer regarding the boundaries of the city's sphere prior to the Commission's final determination. If a city and the county have reached agreement regarding the boundaries, development standards, and zoning requirements within a proposed city sphere, the Commission shall give great weight to the agreement in the Commission's final determination of the city's sphere.
 - d. Parcel Inventory and Absorption Study. The Commission must be able to make a positive determination that the city's sphere is consistent with its historical and expected growth rates, and that the territory within the sphere is likely to be annexed within the 20-year timeframe. The Commission's determination will be based on information provided by the city, including 1) a vacant land inventory, 2) an analysis of the vacant lands to determine their suitability for development, and 3) a market study to determine the absorption rate of the usable vacant lands. If the city is unable to supply such information, LAFCO will make a sphere determination after considering the city's historical growth rates for each land use designation, pertinent city land use and zoning regulations, and the physical characteristics of the property intended to be included in the sphere.

5. Amendment proposals involving sphere expansion to include open space or prime agricultural land will not be approved by LAFCO if there is sufficient alternative land available for annexation within the existing sphere of influence.

5.1.4 Possible Approaches to the Sphere of Influence

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines of Lake LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI. These seven approaches are explained below:

- 1) Coterminous Sphere: A Coterminous sphere means that the sphere for a city or special district that is the same as its existing boundaries.
- 2) Annexable Sphere: A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside its boundaries and inside the sphere. This is the recommendation for Lakeport.

- 3) Detachable Sphere: A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere.
- 4) Zero Sphere: A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.
- 5) Consolidated Sphere: A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.
- 6) Limited Service Sphere: A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services. Territory designated as a limited service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider.

This type of SOI is generally adopted when the following conditions exist:

- a) The limited service provider is providing adequate, cost effective and efficient services
 - b) The multi-service agency is the most logical provider of the other services
 - c) There is no feasible or logical SOI alternative
 - d) Inclusion of the territory is in the best interests of local government organization and structure in the area
- 7) Sphere Planning Area: LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency's SOI in the future to include territory not yet within its official SOI.
 - 8) Area of Concern: LAFCO may, at its discretion, designate a geographic area beyond the Sphere of Influence as an Area of Concern to any local agency. An Area of Concern as defined in LAFCO's policies is a geographic area beyond the Sphere of Influence in which land use decisions or other governmental actions of one local agency (the "Acting Agency") impact directly or indirectly upon another local agency ("the Concerned Agency").

Government Code §56001 specifically recognizes that in rural areas it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited purpose agencies are better able to provide efficient services to an area rather than one service district.

Moreover, Government Code Section §56425(i), governing sphere determinations, also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to "establish the nature, location, and extent of any functions of classes of services provided by existing districts," recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

5.1.5 SOI Update Process

LAFCO is required to establish SOIs for all local agencies and enact policies to promote the logical and orderly development of areas within the SOIs. Furthermore, LAFCO must update those SOIs every five years. In updating the SOI, LAFCO is required to conduct a municipal service review (MSR) and adopt related determinations.

This report identifies preliminary SOI policy alternatives and recommends SOI options for the City of Lakeport. Development of actual SOI updates will involve additional steps, including opportunity for public input at a LAFCO public hearing, and consideration and changes made by Commissioners.

LAFCO must notify affected agencies 21 days before holding a public hearing to consider the SOI and may not update the SOI until after that hearing. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendments and updates under consideration at least five days before the public hearing.

5.1.6 SOI Amendments and CEQA

LAFCO has the discretion to limit SOI updates to those that it may process without unnecessarily delaying the SOI update process or without requiring its funding agencies to bear the costs of environmental studies associated with SOI expansions. Any local agency or individual may file a request for an SOI amendment. The request must state the nature of and reasons for the proposed amendment, and provide a map depicting the proposal.

LAFCO may require the requester to pay a fee to cover LAFCO costs, including the costs of appropriate environmental review under CEQA. LAFCO may elect to serve as lead agency for such a review, may designate the proposing agency as lead agency, or both the local agency and LAFCO may serve as co-lead agencies for purposes of an SOI amendment. Local agencies are encouraged to consult with LAFCO staff early in the process regarding the most appropriate approach for the particular SOI amendment under consideration.

Certain types of SOI amendments are likely exempt from CEQA review. Examples are SOI expansions that include territory already within the bounds or service area of an agency, SOI reductions, and zero SOIs. SOI expansions for limited purpose agencies that provide services (e.g., fire protection, flood protection, cemetery, and resource conservation) needed by both rural and urban areas are typically not considered growth-inducing and are likely exempt from CEQA. Similarly, SOI expansions for districts serving rural areas (e.g., irrigation water) are typically not considered growth-inducing.

Remy et al. write:

"In City of Agoura Hills v. Local Agency Formation Commission (2d Dist. 1988) 198 Cal.App.3d480, 493-496 [243 Cal.Rptr.740] (City of Agoura Hills), the court held that a LAFCO's decision to approve a city's sphere of influence that in most respects was coterminous with the city's existing

municipal boundaries was not a “project” because such action did not entail any potential effects on the physical environment.”¹

5.2 City of Lakeport SOI Options

Four options were identified with regard to the City of Lakeport’s Sphere of Influence. Each option is described in detail below. A map of these options follows the descriptions.

1.2.1 Option #1: City Proposed SOI

The City has proposed a modified SOI as part of its General Plan Update. The proposed SOI would be an SOI reduction in the north, eliminating the area north of Scotts Valley Road, and in the southwest, removing agricultural areas. The proposed SOI would also constitute an SOI expansion in the south by including territory designated by the City as a Specific Plan Area, which abuts SR 175 in the south and east. By adopting this SOI, LAFCO would be indicating that it anticipates this territory will be annexed to the City sometime over the next 20 years.

1.2.2 Option #2: SOI Proposed SOI Less the Specific Plan Area

The City is in the midst of developing a plan for the Specific Plan Area and has outlined the general intention for the use of this area, but has not yet adopted land use designations to date. 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.

Based on LAFCO’s policies requiring that planned land use be identified for territory within a City’s potential SOI, as part of the Sphere of Influence Plan, an option may be to exclude the proposed Specific Plan Area from the City’s modified SOI, and include only those areas for which the City has designated land uses

1.2.3 Option #3: SOI Proposed SOI Less Prime Farmland

There is prime agricultural land in the southern portion of the existing and proposed Sphere of Influence and outside of the Sphere of Influence, in the Scotts Valley area. The Commission may wish to consider excluding this area from the City’s SOI in order to keep in line with LAFCO Policies.

1.2.4 Option #4: Status Quo

Another option may be to retain the City’s existing SOI. This option would ensure the developed areas to the north of the City remain within the City’s SOI, indicating that LAFCO anticipates that the City will be the provider of urban services in the area and that these areas will accordingly be annexed to the City sometime over the next 20 years.

¹ Remy, Michael H., Tina A. Thomas, James G. Moose, Whitman F. Manley, Guide to CEQA, Solano Press Books, Point Arena, CA, February 2007, page 111.

1.2.5 Option #5: Coterminous SOI

Given the amount of vacant and underdeveloped property within the City's existing boundaries, an option may be adopting a coterminous SOI. A coterminous SOI would signify by LAFCO that it does not anticipate the City annexing additional territory in the near or long term (in the next five to 20 years).

The amount of land available for new housing development is the crucial first step in determining whether an agency can accommodate their housing needs. There must be sufficient vacant parcels within the City limits or areas to be annexed that are already zoned for residential uses. The City has 284.14 acres of vacant and underdeveloped sites with residential and high density residential land use designations and zoning, which exceeds the land needed to accommodate the 430 units that were projected to be needed prior to 2014. The vacant land designated for residential uses within the City could accommodate up to 2,459 new residential units if developed at maximum density, but will likely yield around 1,926 new residential units. The City has an additional 25.32 acres available for resort residential development, which will yield approximately 528 units.

5.3 SOI Analysis

In updating the City's SOI, key issues for consideration include the location and probability of potential development, plausible absorption rates, infrastructure or geographical constraints which limit future development within the City limits and/or proposed SOI area, the location and likelihood of annexation of prime agricultural land and LAFCO's ability to come to the necessary determinations in order to adopt an SOI.

Lakeport has a high proportion of vacant and undeveloped land: twenty five percent of the land within City limits remains vacant and another 12 percent is underdeveloped. Most of this land is located near or adjacent to City boundaries in the west, northwest and northern areas of Lakeport. Many vacant and underdeveloped parcels do not have the full range of urban services. Obstacles that have prevented development of vacant and underdeveloped areas include the relatively high cost of providing urban services, the lack of adequate roads, rough terrain, and relatively high construction costs.

The City has projected the number of residential, commercial and industrial acres needed in the City of Lakeport to address anticipated population growth through 2025. By 2025, the population of Lakeport was projected to be approximately 6,859, with a total of 156 acres of residential land needed, 22 acres of commercial land needed and 45 acres of industrial land needed. Most of the projected land needed can be found in existing vacant infill areas within the City based on an analysis of vacant and under-utilized lands currently within the City limits; however, it was anticipated that additional territory would be necessary to address the City's residential housing needs.² The General Plan shows that by 2020, the City anticipates needing to extend outside of the City limits in order to meet residential development needs. Housing need projections are likely exaggerated given the slow down in growth compared to 2005 (when the General Plan was developed). The City anticipated growth of 33 percent in the population over the 20 year period from 2005 to 2025, or an average annual growth rate of 1.4 percent; however, over the last decade (2000 to 2010), the City experienced an overall decline in population of 1.4 percent. Based

² City of Lakeport, General Plan 2025, August 2009, p. III-3.

on this slowed growth, it appears unlikely that the City will require additional territory to address growth at least over the next 10 to 15 years, particularly given the recent Adamson Annexation; however, if growth in the State returns to previous levels, the development needs of the City over the next 20 years may exceed the available territory within the City limits.

Prime farmland lies within the southeastern portion of the City's existing and proposed SOI. It appears that these areas have been designated as Open Space Parkland and Urban Reserve. LAFCOs are tasked with the preservation of prime farmland (Government Code §56301). Additionally, Lake LAFCO has adopted policies to further the preservation of prime farmland, and will not approve an SOI amendment to include prime agricultural land if there is sufficient alternative land available for annexation within the existing Sphere of Influence (Lake LAFCO Policies Section 2.4 (h))

While the City has adopted policies and programs in its General Plan, which seek to preserve the remaining prime agricultural land in the Planning Area, the City appears to have sufficient developable territory to meet housing needs without the prime agriculture areas. The City notes in its Housing Element that these areas are not a priority for annexation, as such it may be an option to exclude these areas from the City's proposed SOI.

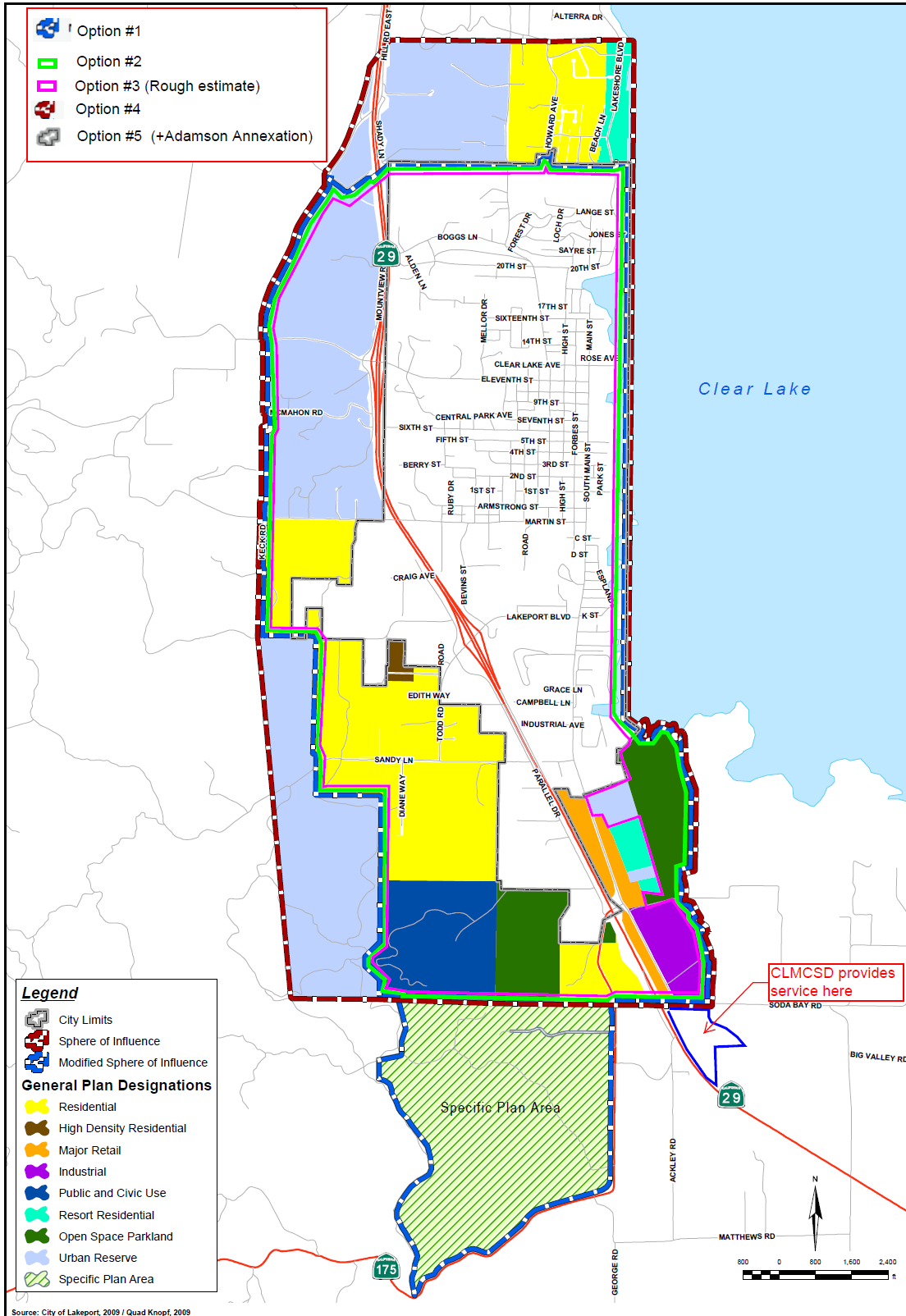
The proposed Specific Plan Area covers city-owned property and a few private properties south of the current SOI. The area is proposed for single and multiple-family residential; including cooperative ownership properties to serve the vacation market; a golf course; and limited commercial, such as a clubhouse or restaurant. Consistent zoning districts include, but are not limited to, R-1, R-2, R-3, R-5, UR, and C-1.

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). Third, the City has had an interest in the feasibility of developing a golf course for many years

The City has adopted a policy as part of its General Plan outlining the intent to prepare a specific plan for the area prior to the submittal of an application to LAFCO to amend the City's Sphere of Influence to include the Specific Plan Area. Specific issues that must be addressed as part of the specific plan 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. In light of LAFCO's requirement to identify planned land uses as part of the Sphere of Influence Plan, it seems that without a specific plan, LAFCO is unable to make the determinations necessary to include the Specific Plan Area within the City's SOI. Inclusion of the Specific Plan Area in the City's SOI could be considered during the next SOI update, after the City has completed the Specific Plan.

It is recommended that the Commission consider a combination of SOI Options #2 and #3 as described above for the City of Lakeport. This SOI would be as proposed by the City, excluding the Specific Plan Area and the prime farmland to the southeast.

City of Lakeport Sphere of Influence Options



5.4 Present and Planned Land Uses in the City of Lakeport Area, Including Agricultural and Open Space Lands

5.4.1 General Plan

The City has identified present and planned land uses within the City limits and proposed SOI in the General Plan. The territory that lies outside of the existing City limits but within in the proposed SOI are designated as a combination of primarily residential, urban reserve, open space parkland, retail and industrial uses, with minimal resort residential designations.

The City of Lakeport General Plan includes an Urban Boundary Element. The Plan states the following:³

“The purpose of the Urban Boundary Element is to define the limits for extending City services and infrastructure in order to accommodate new development anticipated within the 20-year time frame of this General Plan. The Urban Boundary Element is also intended to provide guidance related to future annexation of land from the City’s Sphere of Influence. The Urban Boundary Element is not a state-mandated element; however, it is an important element because it limits leap-frog development and provides for an orderly transition from rural to urban land uses. The element recognizes the community’s dedication to orderly and managed growth of the city’s boundaries and the desire to maintain the rural character of many of the areas and neighborhoods within the Lakeport Sphere of Influence.”

Although the General Plan includes a large City-proposed SOI, the Urban Boundary Element shows that the City could, in theory, meet a majority of the needs for estimated population growth with land that is within the City limits.

“Estimated Demand for Land 2005 - 2025

“The number of residential, commercial and industrial acres needed in the City of Lakeport through 2025 is based on population projections through 2025 and an analysis of vacant and under-utilized lands currently within the City limits. By 2010, the population of Lakeport is estimated to be approximately 5,521 with 34 acres of residential land needed, 13 acres of commercial land needed, and 10 acres of industrial land needed. By 2025, the population of Lakeport is estimated to be approximately 6,859, with a total of 156 acres of residential land needed, 22 acres of commercial land needed and 45 acres of industrial land needed. Most of the projected land needed can be found in existing vacant infill areas within the City.”⁴

Moreover, the City has additional land that can be developed as a result of recent annexations.

³ City of Lakeport General Plan 2025, Urban Boundary Element, August 2009, Page III-3.

⁴ City of Lakeport General Plan 2025, Urban Boundary Element, August 2009, Page III-3.

5.4.2 “Draft South Main Street and Soda Bay Road Annexation Area Plan for Services”

In addition to the General Plan, the City of Lakeport has prepared the “Draft South Main Street and Soda Bay Road Annexation Area Plan for Services” to meet the Lake Local Agency Formation Commission requirement that a Plan for Services be prepared for each annexation. The annexation area is located south of Lakeport along the South Main street corridor to the east of State Highway 29.⁵

5.4.3 SOI Determinations for Present and Planned Land Use

- 1-1] It is recommended that significant development take place within a city where urban service levels, including sewer and water service, can be provided as well as other services.
- 1-2] The proposed SOI shown in the General Plan also includes land in the previous SOI to be excluded so the net amount of land within the SOI would not be significantly different from the existing SOI for the City of Lakeport.
- 1-3] The City of Lakeport would be the lead agency in the preparation of all environmental documents relating to annexations.
- 1-4] The General Plan provides for preservation and enhancement of existing neighborhoods. It also provides for development of new residential areas through the use of Specific Plans that reflect the best qualities of Lakeport’s existing neighborhoods, with a mix of housing types and sizes, integrated with community facilities including parks, schools, child care facilities and other institutional uses.
- 1-5] The General Plan contains policies to promote and facilitate economic development. The General Plan provides for development of industrial and commercial uses that will provide a jobs/housing balance significant to the community and the region. Adequate commercial land is designated to promote development of commercial uses to meet present and future needs of Lakeport residents and visitors. The General Plan contains policies that will further the revitalization of downtown as economically viable and physically attractive. The General Plan also designates land for, and seeks to expand, the City’s industrial base to provide for greater economic development and employment opportunities for Lakeport residents.

⁵ City of Lakeport, “Draft South Main Street and Soda Bay Road Annexation Area Plan for Services”, April 2011, Page 1-1.

5.5 Municipal Services – Present and Probable Need

5.5.1 Municipal Services Background

LAFCO is responsible for determining if an agency is reasonably capable of providing needed infrastructure and services to serve areas within its Sphere of Influence. LAFCO is required to evaluate present and long-term infrastructure demands and resource availability, and to evaluate whether the resources and services are available at needed service levels and that orderly maintenance and expansion of such resources and services are made in line with anticipated future demands.

5.3.2 SOI Determinations–Facilities and Services Present and Probable Need

Police Protection

2-1] The City will continue to need police protection and the police department can be increased to serve additional area as needed.

Fire Protection

2-2] The fire protection is provided by the Lakeport Fire Protection District so any land within the SOI would still remain in the Lakeport Fire Protection District.

Water Service

2-3] Water service can be provided to areas within the sphere of influence, but water supply is variable from year to year. Water service will increasingly depend on water conservation. Water for landscaping may be on a separate meter and use of recycled water for landscape purposes may increase.

Wastewater Collection and Treatment

2-4] It would be beneficial for areas outside of the City Limits that are served by CLMSD to be annexed to the City of Lakeport so they would be subject to City regulations.

2-5] The CLSMD has an agreement with LACOSAN to serve part of the area within the City and to provide sewage removal in some areas adjacent to the City that are not serviced by LACOSAN.

Solid Waste Collection and Disposal

2-6] Solid waste collection and disposal service could be expanded to serve the area within the proposed SOI.

Streets and Roads

2-7] Street services can be expanded to serve the area within the proposed SOI.

Drainage

2-8] Drainage will be developed as the areas within the SOI are developed.

Park and Recreation Services

2-9] Park and recreation services can be provided to an expanded area. In addition, there are other public and private recreation opportunities in the area.

5.6 Public Facilities Present and Future Capacity

5.6.1 Capacity Background

The capacity and background of the Lakeport public facilities are described in the MSR.

5.4.2 SOI Determinations--Public Facilities Present and Future Capacity

- 3-1] Implementation of the General Plan will result in the expansion and improvement of public facilities and services, including police, fire, water, wastewater collection and treatment, streets, drainage, waste collection and disposal and parks. The General Plan calls for increased cooperation and coordination among governmental entities and promotes joint facility planning to achieve cost efficiencies and environmental justice.
- 3-2] The City is in the process of upgrading many of its public facilities including roads, wastewater treatment and collection, and the water delivery system. After these upgrades are completed, the facilities should be adequate, but will need continued maintenance to be able to serve the existing and future residents of the City.
- 3-3] The Master Service Plans provide the blueprint for upgrading many of these facilities. Funding is set aside each year during the budget process to further these projects. State and Federal grants, developer's fees and property and sales taxes are used to fund these projects. The source of funding for street improvements is the gas tax and developer infrastructure and development fees.
- 3-4] Taking into consideration the City's revenue and operating constraints, and the fact that upgrades and improvements are ongoing, the condition of the public facilities is defensible and adequate.
- 3-5] Additional infrastructure and resources to accommodate future development will include expanded drainage and wastewater facilities, increased personnel, equipment and facilities for fire and police protection, and increased road capacity.

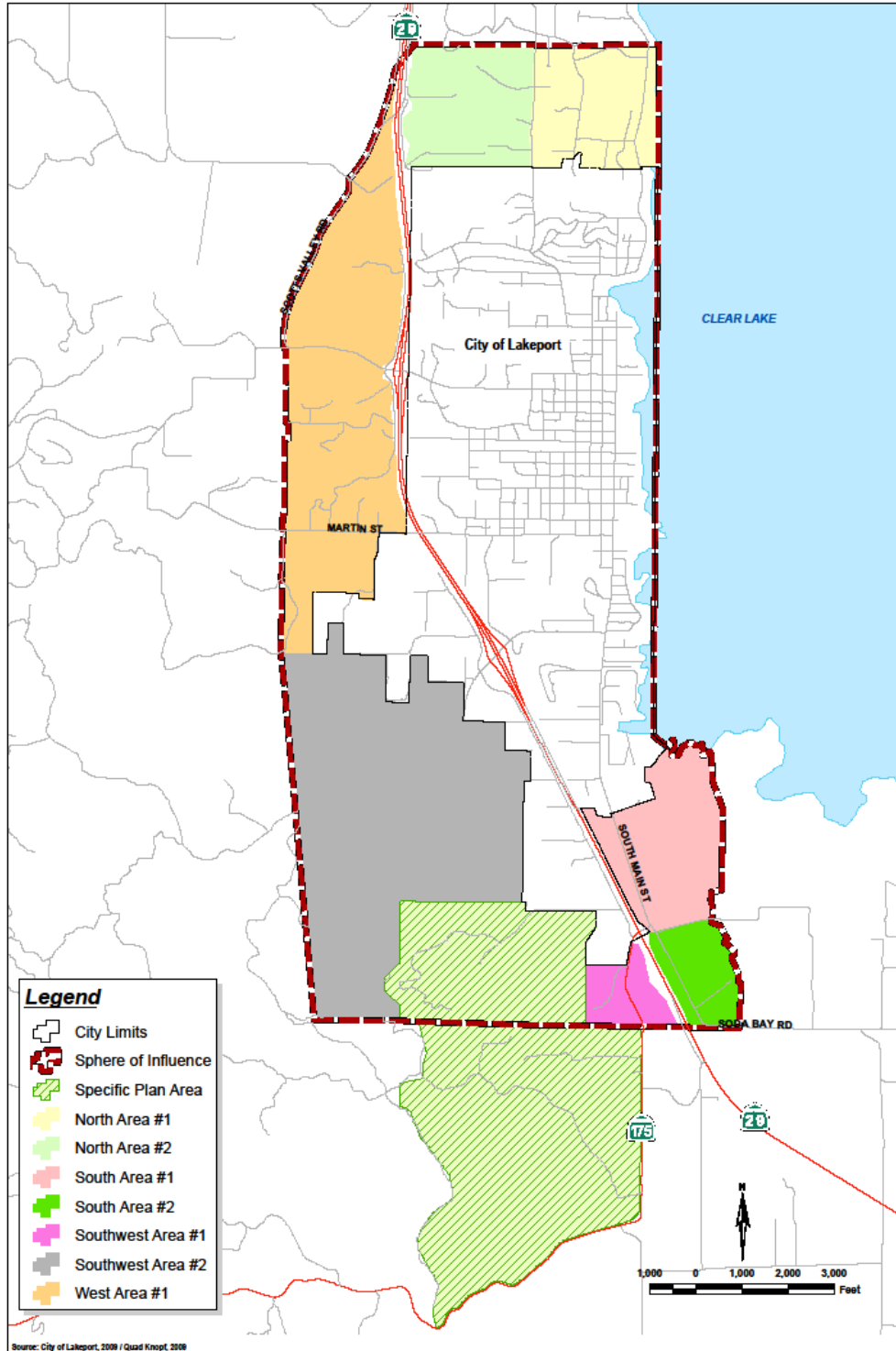
5.7 Social or Economic Communities of Interest


5.7.1 Community Background

The City of Lakeport Community Background is described in the MSR. The City is the County Seat for Lake County and has a substantial share of the jobs and economic activity in Lake County.

5.5.2 SOI Determinations – Social or Economic Communities of Interest

- 4-1] The City of Lakeport is clearly both a social and economic community and new development within the area should occur within the City limits and be served by City services.
- 4-1] Areas of concern for future utility and public service expansion of City services should be reflected in the next update of the County's Lakeport Area Plan by mutual agreement between the City and the County of Lake.




CITY OF LAKEPORT
SPHERE OF INFLUENCE AREAS
Figure 2

