

# FINAL ENVIRONMENTAL IMPACT REPORT

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## General Plan Update

City of Lakeport

SCH #2005102104



Prepared for  
City of Lakeport Community Development Department

February 2009



Quad Knopf

# FINAL ENVIRONMENTAL IMPACT REPORT

## General Plan Update

City of Lakeport  
SCH #2005102104

Prepared for:

City of Lakeport Community Development Department  
225 Park Street  
Lakeport, California 95453

Contact:

Mark Brannigan, Director  
Andrew Britton, PSM  
Phone: (707) 263-5613  
Fax: (707) 263-8584

Consultant:

Quad Knopf, Inc.  
One Sierragate Plaza, Suite 270C  
Roseville, California 95678

Contact:

Kim Hudson, AICP, Principal Planner  
Phone: (916) 784-7823  
Fax: (916) 784-3520

February 2009

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CHAPTER ONE

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INTRODUCTION

# CHAPTER ONE INTRODUCTION

## 1.1 Purpose

The Environmental Impact Report for the City of Lakeport General Plan Update (SCH #2005102104) was prepared to disclose, analyze, and provide mitigation measures for potentially significant environmental effects associated with adoption and implementation of this project. Preparation of an environmental impact report is a requirement of the California Environmental Quality Act (CEQA) for all discretionary projects in California that have a potential to result in significant environmental impacts.

CEQA requires that a Final EIR be prepared, certified and considered by public decision makers prior to taking action on a project. The Final EIR provides the Lead Agency (i.e., City of Lakeport) 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 Draft EIR necessary to clarify or supplement information contained in the Draft document. Following the submittal of the Draft EIR, a public review period was held from November 4, 2008 to December 18, 2008. This document includes the responses to comments received during the public review period and any other errata or changes necessitated by comments on the Draft EIR. The Draft EIR and this document constitute the Final EIR for the City of Lakeport General Plan Update.

## 1.2 Scope and Format

Chapter One introduces and outlines the purpose, scope, and format of the Final EIR. Chapter Two explains the public review process and lists all agencies and individuals who commented on the Draft EIR. Chapter Three consists of the actual letters of comment, reproduced in their entirety, and the responses to each written comment received on the Draft EIR. These responses are intended to supplement or clarify information contained in the Draft EIR, as appropriate, based on the comments and additional research or updated information. Additions to the Draft EIR are shown in underline and deletions shown in ~~strikeout~~ format. Each response follows the associated letter or document. Each letter and document has been numbered (e.g., Letter 1, Letter 2). Within each letter or document, individual comments are assigned an alphanumeric identification. For example, the first comment of Letter 1 is Comment 1A, and the second is Comment 1B. Chapter Four is a Mitigation Monitoring Plan to ensure that mitigation measures contained in the EIR are implemented. Chapter Five contains the Draft EIR pages that have been revised in response to the comments received.

## CHAPTER TWO

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# OVERVIEW OF COMMENTS RECEIVED

# **CHAPTER TWO OVERVIEW OF COMMENTS RECEIVED**

## ***2.1 Public Review and Comment Procedures***

CEQA requires public disclosure in an EIR of all project environmental effects and encourages public participation throughout the EIR process. As stated in Section 15200 of the CEQA Guidelines, the purposes of public review of environmental documents are:

- 1) sharing expertise
- 2) disclosing agency analyses
- 3) checking for accuracy
- 4) detecting omissions
- 5) discovering public concerns
- 6) soliciting counter proposals

Section 15201 of the CEQA Guidelines states that “Public participation is an essential part of the CEQA process.” A public review period of no less than 30 days nor longer than 60 days is required for a Draft EIR under Section 15105(c) of the CEQA Guidelines. If a State agency is a lead or responsible agency for the project, the public review period shall be at least 45 days. As required under CEQA, the Draft EIR was published and circulated for the review and comment by responsible and trustee agencies and interested members of the public. The public review period ran from November 4, 2008 to December 18, 2008. All written comments received on the Draft EIR are addressed herein.

## ***2.2 Agencies and Individuals Who Commented on the Draft EIR***

- Letter 1: Terry Roberts, Director, State Clearinghouse, Governor’s Office of Planning and Research
- Letter 2: Cheri Lee Glenn Holden, Conservation Chair, Sierra Club, Lake Group
- Letter 3: Sarah Ryan, Environmental Director, Big Valley Rancheria
- Letter 4: Janet E. Cawn
- Letter 5: Catherine Peterson
- Letter 6: Lisa Davey-Bates, Executive Director, Lake County/City Area Planning Council
- Letter 7: John Benoit, Executive Officer, Local Agency Formation Commission of Lake County
- Letter 8: John Parker, Ph.D, RPA

Letter 9: Katy Sanchez, Program Analyst, California Native American Heritage Commission

Letter 10: Dave Carstensen, Associate Transportation Planner, District 1 Planning, California Department of Transportation

## CHAPTER THREE

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## RESPONSES TO COMMENTS

## **CHAPTER THREE RESPONSES TO COMMENTS**

This chapter contains the letters of comment that were received on the Draft EIR (DEIR). Following each comment letter is a response 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. Those comments that are not directly related to environmental issues are noted for the record.

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ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

December 19, 2008

RECEIVED

JAN 5 2009

Mark Brannigan  
City of Lakeport  
Community Development Department  
C 225 Park Street  
Lakeport, CA 95453

Subject: City of Lakeport General Plan Update  
SCH#: 2005102104

Dear Mark Brannigan:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 18, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2005102104  
**Project Title** City of Lakeport General Plan Update  
**Lead Agency** Lakeport, City of

**Type** EIR Draft EIR

**Description** The objective of the proposed project is to update the General Plan for the City of Lakeport and will include the following: (1) Changes to current General Plan designations, (2) proposed expansion of the City of Lakeport's Sphere of Influence and (3) changes to and the reorganization of the General Plan Elements. The City is proposing amendments to the existing General Plan that would increase the City's Sphere of Influence in addition, the land-use designation for certain areas within the city limits would be amended to allow a broader mix of uses than currently allowed. With the implementation of the proposed General Plan, build out of the Specific Plan area result in a variety of potential uses including: increased residential development, commercial development and open space.

**Lead Agency Contact**

<b>Name</b>	Mark Brannigan		
<b>Agency</b>	City of Lakeport		
<b>Phone</b>	707-263-5613	<b>Fax</b>	
<b>email</b>			
<b>Address</b>	Community Development Department C 225 Park Street		
<b>City</b>	Lakeport	<b>State</b> CA	<b>Zip</b> 95453

**Project Location**

<b>County</b>	Lake			
<b>City</b>	Lakeport			
<b>Region</b>				
<b>Lat / Long</b>	39° 2' 26" N / 122° 55' 17" W			
<b>Cross Streets</b>				
<b>Parcel No.</b>	Various			
<b>Township</b>	14N	<b>Range</b>	10W	<b>Section</b> 24
				<b>Base</b> MDB&M

**Proximity to:**

<b>Highways</b>	29
<b>Airports</b>	
<b>Railways</b>	
<b>Waterways</b>	Clear Lake
<b>Schools</b>	Lakeport Unified
<b>Land Use</b>	

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

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 2; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; Caltrans, District 1; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

<b>Date Received</b>	11/04/2008	<b>Start of Review</b>	11/04/2008	<b>End of Review</b>	12/18/2008
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**Letter 1      Terry Roberts, Director, State Clearinghouse, Governor's Office of  
Planning and Research**

**Response 1A:** All letters received from the Clearinghouse are included in Chapter Three and, in accordance with CEQA Guidelines Section 15088, written responses to all comments received are provided herein.

DEC 18 2008

Comments re: Draft General Plan for Lakeport, California  
Draft EIR for Lakeport, California  
December 15, 2008

From Cheri Lee Glenn Holden, conservation chair, Sierra Club, Lake  
Group

20 Lupoyoma

Lakeport, CA 95453 707.262.1730

My Concerns and comments on the Lakeport General Plan Draft are  
as follows:

The Land Use Element [p.II-5] encourages new neighborhood  
development to link with other neighborhoods and the downtown  
central business district with pedestrian and bicycle trails. Section  
[p.II-6] proposes to coordinate land development with the provision of  
services and infrastructure. [p.II-9] states that Lakeport has a high  
proportion of vacant and underdeveloped land: 25% of the land is  
located near or adjacent to city boundaries...and the Urban  
Boundary Element [p.III-3] states, "Most of the projected land needed  
[through 2025] can be found in existing vacant infill areas within  
the city. This is true for residential, commercial and industrial land."

The Urban Boundary Element [p. III-1] says its purpose is to define  
limits for extending city services and infrastructure in order to  
accommodate new development ... also intended to limit leapfrog  
development. Policy 2.1 of the Urban Boundary Element [p.III-5]  
states that the first priority shall be given to infill development and  
to development of vacant, underdeveloped and/or potentially  
redeveloped land where urban services are or can be made readily  
available. Parcels should be substantially contiguous to existing  
development [See map Fig.3 the the end of the Urban Boundary  
Element of location of the proposed Sphere of Influence] . The  
proposed modified Sphere of Influence doesn't touch the city  
boundaries anywhere. It's only reason for being is to include a  
proposed housing development within that Sphere of Influence.  
annexation to the city must be located within the SOI and adjacent to  
existing city boundaries in order to be approved by LAFCO> [see Map  
Fig. 3]

In the Urban Boundary Element [p. III-2] , "...in determining the

SOI of each agency, LAFCO must consider...the present capacity of public services..." The General Plan Land Use Element [p. II-10] policy LU5 proposes to maintain and update a Water System Master Plan every five years. See [p.II-d11 LU 6.1] "Wastewater System prepare and update a Wastewater System Master Plan". A Master Service Element is required by LAFCO for expansion of a Sphere of Influence; the plans ne be completed before a proposed SOI expansion.

A two lane highway services the proposed SOI development. It is a main service road for commuters west and to Santa Rosa. The impact on this corridor by a development considering 2400 units at build out would be considerable. Cal Trans should offer knowledgeable comment on this development.

Finally, the relationship of this development and the City of Lakport's sewer facility has not been clearly defined.

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 .

**Letter 2      Cheri Lee Glenn Holden, Conservation Chair, Sierra Club, Lake Group**

**Response 2A:** This letter is a comment on the Draft General Plan and does not contain any comments on the Draft EIR. The Lead Agency will consider these comments when they consider the merits of the plan document.



December 18, 2008

Re: City of Lakeport General Plan Update

Dear Mr. Britton:

After reviewing the Draft EIR for the city's General Plan Update, the Tribe would like to forward the following comments to be considered:

- **Program PR 1.10-c:** We do not believe that this mitigation measure will reduce the impact on archeological resources from **potentially significant** to a **less than significant** level. By the very nature of the mitigation, archeological resources will have been impacted to even reach the measure which will then protect it. Therefore, the following mitigation measure should replace the current wording:

*Any activities that either a) plan to excavate below a level of 18 inches or b) plan to excavate at any depth in an area within 150 feet of a known or recorded archaeological site, will require that the appropriate adjacent Tribe is notified prior to the start of the project in order to arrange the services of a Tribal monitor. This monitor will be present during the excavation portion of the project and will observe the work to ensure that archaeological resources are not damaged. Should archaeological resources be encountered, land alteration work in the general vicinity of the find shall be halted. Prompt evaluations could then be made regarding the finds and course of action acceptable to all concerned parties could then be adopted. Should human remains be encountered, a qualified archaeologist shall be consulted.*

A

In addition, we'd like to make the following observances about the Draft EIR:

- the Appendix that contains list of Persons and Sources Consulted: Cultural Resources has several bad links – specifically the Bureau of Reclamation links
- In Appendix F, the Persons and Sources Consulted: Cultural Resources lists only websites that quote regulations. The cultural records search as well as other documents discussed in 3.5.1 of the Draft EIR should also be listed in the Appendix
- Please clarify the wording “12 recorded Native American archaeological resources” - are these 12 recorded sites?

B

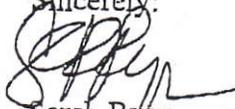
C

- The wording "Native American organizations" within the current proposed mitigation measure does not include Tribal governments. A Tribe is not an organization but a legally recognized sovereign nation and should be referenced separately.

D

Thank you for the opportunity to comment on the General Plan Update and please contact me if you have any questions about these items.

Sincerely:



Sarah Ryan

Environmental Director

**Letter 3 Sarah Ryan, Environmental Director, Big Valley Rancheria**

**Response 3A:** This Program EIR evaluates the impact of the adoption of the revised General Plan and does not directly result in any ground disturbing activities; therefore the mitigation measure is general in nature. The mitigation measure can be strengthened by modifying when in the process an evaluation should be undertaken and what would be subject to further review. Mitigation Measure #3.5-1, Program PR 1.10-c is revised to state:

*During review of future development projects, the City shall evaluate the need for the project to have a qualified archeologist conduct the following activities: (1) conduct a record search at the Archeological Information Center and other appropriate historical repositories, (2) conduct field surveys where appropriate, and (3) prepare technical reports, where appropriate, meeting California Office of Historic Preservation Standards. In the event there is a likelihood of resources present the appropriate tribe representatives shall be notified in order to determine whether the presence of an on-site monitor is required. If the project is located within 150 feet of a known or recorded archaeological site, the tribe will be notified prior to commencement of any work and a monitor will be present during the excavation portion of the project and will observe the work to ensure that archeological resources are not damaged.*

*In the event that archaeological resources are encountered during subsurface construction for land development project, land alteration work in the general vicinity of the find shall be halted and a qualified archaeologist shall be consulted. Prompt evaluations could then be made regarding the finds and course of action acceptable to all concerned parties could then be adopted. Local Native American organizations and tribe representatives shall be consulted if human remains are encountered.*

**Response 3B:** The Bureau of Reclamation has significantly changed their website since this research was undertaken. The following current sites can be consulted:

[www.usbr.gov/native](http://www.usbr.gov/native)  
[www.usbr.gov/cultural](http://www.usbr.gov/cultural)  
[www.usbr.gov/nagrapa](http://www.usbr.gov/nagrapa)

The cultural record search conducted by the California Historical Resources Information System Northwest Information Center is included as Appendix A of this Final EIR.

**Response 3C:** The commenter is correct. The statement that says “12 recorded Native American archaeological resources” is 12 recorded sites.

**Response 3D:** See Response 3A.

DEC 18 2008

December 18, 2008

To: City of Lakeport, Planning Commission  
 From: Janet E. Cawa  
 Subject: Draft General Plan and EIR

The City's General Plan was reviewed in a public workshop on December 3 and 4, 2008. However, the accompanying EIR was not reviewed, and significant conflicts between the two documents exist (see Lafco's letter on this subject).

In addition, several elements were not included in the General Plan, such as the Housing Element, and the appropriate examination of the proposed Specific Plan Area, that render the documents as presented incomplete and not properly reviewable.

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 Regional Water Management Plan, and so forth.

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.

For these reasons I recommend that the Draft General Plan be returned to the Community Development Dept for rework and editorial processing.

Respectfully submitted,  
 Janet E. Cawa (275-9376)

**Letter 4 Janet E. Cawn**

**Response 4A:** It is unclear from the comment what conflicts are referred to, so it is not possible to respond further to this comment. To the extent the conflicts are described in the letter from LAFCO, please see the response to Letter 7.

**Response 4B:** The Housing Element was not revised and is not part of this General Plan update process. The timeline for updating Housing Elements is established by the State Department of Housing and Community Development. The Housing Element was not included in these draft documents since it is not part of this plan update. The Housing Element will be updated through a separate process in accordance with state law. The Housing Element is available at the City of Lakeport and it is also on the City's website.

The City of Lakeport chose to establish an area that would require preparation of a Specific Plan in accordance with state planning law instead of actually preparing a specific plan. This is a common practice when there is not enough information readily available to have more specific details regarding what development could occur in that particular area. While it might be desirable to have more detailed information for this area, it is not required. The preparation of a Specific Plan following the plan update, would require extremely detailed studies of the site as well as infrastructure plans and the identification of financing mechanisms. The adoption of the Specific Plan is a project and would be required to comply with the California Environmental Quality Act (CEQA). It is likely that a separate, project specific EIR would be required.

**Response 4C:** This is a comment on the Draft General Plan and is not related to the Draft EIR. The Lead Agency will consider these comments when they consider the merits of the plan document.

**Response 4D:** This is a comment on the Draft General Plan and is not related to the Draft EIR. The Lead Agency will consider these comments when they consider the merits of the plan document.

DEC 18 2008

I have many concerns with the EIR for the Draft Lakeport General Plan. A mitigation measure cited to protect farmland (p. ES-5) states: Infill development will be preferred and encouraged over fringe development and sequential and contiguous development is also preferred and encouraged over leap-frog development. However, the Specific Area Plan is slated to “see” 1200 residential units in the General Plan and 2400 in the EIR. The new Sphere of Influence, where this development is slated to be located, is not infill nor is it contiguous to the city or other development. There are no city services in this area. Highway 29 separates the area from downtown Lakeport making pedestrian or bicycle trails impractical though that is a recommended mitigation for potential impact to global warming change. (p. ES-7).

A

There is no mitigation measure required for depletion of groundwater or interference with recharge (p. ES-11) though the original hydrology section of the Draft Initial Study for the Lakeport General Plan (p.33 in evaluation of environmental impacts) cited potentially significant impacts in this area. The responses to these concerns were inadequate. An example would be: performing street and parking lot cleaning...

B

The EIR states that the build out of the Lakeport General Plan will result in significant and unavoidable D, E or F conditions on City streets with no feasible mitigation measures available. (p. ES-15) Why would this information signify that we should ratify this General Plan?

C

Though pedestrian and bicycle use is cited as potential mitigations for climate change, impact 3.12-6 (p. ES-14) states: Adoption and implementation of the Lakeport General Plan Update could result in inadequate bicycle and pedestrian facilities. Conflicting ideas like this exist throughout both the General Plan and the EIR.

D

Though the EIR states (impact 3.13-3) p. ES-15: Increased demand for waste water treatment would be less than significant and not require mitigation, there has been no specific information saying why this would be true. 2400 residential units would not impact wastewater treatment even though those units are proposed to be built on the existing city water treatment plant site? There are references to a tertiary treatment facility, but no estimated figures are given for what the cost for this water would be for existing ratepayers or what would be required in land or money to fund such a facility. There are conflicting references about who would pay for a tertiary treatment facility.

E

The Housing Element, though required by law, was not included in the hard copy of the Public Review Draft of the General Plan. It contains demographics important for the public understanding of the future housing needs for Lakeport. However, on p.3-105 in the EIR it shows a projected total population of 6,859 individuals in Lakeport in 2025. The projected increase is 1,709 individuals, yet the projected new residential units total 2,400. With a projected average 2.36 persons per household, it looks like we will have lots of unsold properties and no customer base to help pay for that expensive tertiary treated water.

I could go on, but I feel I have given detailed evidence to support my thesis that this General Plan and EIR are conflicted documents that are inadequate to serve the future needs of the City of Lakeport. My suggestion would be to redo the General Plan, or use the alternative of not changing the proposed Sphere of Influence.

*Catherine Peterson 606 19th Lakeport*

**Letter 5 Catherine Peterson**

**Response 5A:** The area designated for a future Specific Plan would be limited by the General Plan to 1200 units. The Draft EIR noted for informational purposes what would be allowed if only the land use designation were considered. Mitigation Measure 3.3-4 is intended to apply to the entire city where practical. It is not directed at the Specific Plan area. Although it is true that Hwy 29 would make bicycle and pedestrian connections to the downtown difficult, it is not impossible and bicycle and pedestrian connections can be made to other parts of the city.

A portion of the proposed Specific Plan area, within the existing Sphere of Influence boundary, is contiguous to the existing city limits.

**Response 5B:** The Initial Study stated that there could be potentially significant impacts and this needed to be further evaluated in the EIR. The Draft EIR discusses this issue in more detail than the Initial Study on page 3-83 and page 3-153. After further review, Draft EIR determined that this was a less than significant impact.

**Response 5C:** The EIR is an informational document that discloses the environmental impacts of a project. The EIR is not required to mitigate impacts to a less than significant level. In this case, there are improvements that would be required to reduce the impact to a less than significant level; however, funding mechanisms to guarantee that the improvements are actually built are not currently in place. Some improvements (such as widening a small portion of North High Street) were determined to be infeasible. Pursuant to the CEQA Guidelines Section 15093, the Lead Agency must adopt a Statement of Overriding Considerations in order to approve any project which has significant and unavoidable impacts. The Lead Agency must find that the benefits of approving the project outweigh the adverse environmental impact.

**Response 5D:** The discussion/conclusion of Impact 3.12-6 on page 3-151 determined that the proposed General Plan contains numerous policies and programs designed to improve the bicycle and pedestrian circulation system in the city. Once implemented, these policies and programs will also partially serve to mitigate climate change impacts. These are complimentary, not conflicting.

**Response 5E:** Wastewater treatment is discussed on pages 3-155 through 3-156 and 3-165. The Specific Plan area would allow 1,200 units, not the 2,400 cited by the commenter. A Specific Plan would have to be prepared for the site that clearly outlined exactly how wastewater treatment would be provided to the project site as well as how the wastewater treatment facilities would be funded. New development would be required for facilities required as a result of that development. Current rate payers could be affected by improvements to the existing plant required for existing problems.

**Response 5F:** The estimate of a population of 6,859 in 2025 is based on a population projection. As noted in the third paragraph this population would require 156 acres of residential land. With a population per household of 2.36, this total population would require approximately 2,906 housing units. In 2005 there were 2,148 housing units, a difference of 758. There is a difference between what is projected for a certain year and what could theoretically occur at "buildout." It

appears the commenter is using the data in Table 3.10-5 as the projected number of housing units in the city. This is not correct. The 2,400 figure shown in Table 3.10-5 illustrates only the 600 acre specific plan area and what could happen at what density. The General Plan document limits the development to the 2 units per acre or 1,200 units. According to Table 3.12-9 on page 3-131 of the Draft EIR, the total number of new dwelling units at buildout would be 2,700 including 1,200 units in the specific plan area. Please see also Response 4B regarding the Housing Element.



# LAKE COUNTY/CITY AREA PLANNING COUNCIL

Lisa Davey-Bates, Executive Director  
 (707) 263-7799 / Fax 463-2212  
 www.lakeapc.org

367 North State Street, Suite 206  
 Ukiah, CA 95482

December 17, 2008

**RECEIVED**

DEC 18 2008

Mark Brannigan, Director  
 City of Lakeport, Community Development Department  
 225 Park Street  
 Lakeport, CA 95453

**Subject: Comments on the City of Lakeport Draft General Plan Update EIR**

Dear Mr. Brannigan,

Thank you for the opportunity to provide comments on the EIR for the Draft General Plan Update for the City of Lakeport. The comments below are focused on transportation issues and mitigations, and include information on recent studies or projects that relate to goals, policies and mitigations identified in the General Plan and EIR. Suggested revisions are included as strikeouts or underlined italics.

- The **Traffic Control Device Inventory**, completed in November 2008, established a detailed inventory of all traffic control devices in the City of Lakeport, including signs, street markings and crosswalks. (Program T 12.1-e.) The project also included the creation of a computerized database and map containing information on traffic control devices to assist City staff in monitoring and maintaining the traffic control devices. A

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- The APC recently completed the Traffic Mitigation Fee Study and coordinated a number of joint meetings between the local agencies in Lake County. We applaud the City for including Policy T 18.1 and encourage the City to work closely with the County and Caltrans to develop an effective traffic mitigation fee program. We recommend consistency between the land use data (Table 3.12-9) in the General Plan and the data in the Countywide Regional Transportation Impact Fee Program report. B

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- A countywide roadway capital improvement program (CIP) is currently being developed by the APC in coordination with the cities and the County. (Policy T 20.1) C

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- The recently completed *Transit Development Plan* for Lake County and the *Passenger Facility Development Plan* (2006) includes recommendations for improvements to the public transit services and facilities in Lake County. Use and demand for transit has increased in Lake County, especially from commuters traveling within and out of Lake County for employment.
  - Policy T 36.1: "Public Transit. Encourage the continuation of public transit and cooperate with the Area Planning Council and Lake Transit Authority to implement a regional public transit system."
  - Policy 34.1 and 34.1-a: include the statement: coordinate with Lake Transit Authority in both policies. D

- The County-wide Safe Routes to School Plan is currently being developed in coordination with the City of Lakeport, the City of Clearlake and the County. This effort will identify opportunities to improve bicycle and pedestrian routes to schools and increase the number students walking and bicycling to school. (Program T 39.1-c)
- Policy 23.1: add: consistent with the Regional Bikeway Plan developed by the Lake County/City Area Planning Council. The plan is available at [www.lakeapc.org](http://www.lakeapc.org)
- Impact #3.12-1: include the Lake County/City Area Planning Council as well as Caltrans and the County as a partner in transportation planning and improvement efforts.
- The California Complete Streets Act of 2008 (Assembly Bill 1358) was signed into law by the Governor on September 30, 2008. The new law requires cities and counties to include complete streets policies as part of their general plans (starting in 2011) so that roadways are designed to safely accommodate all users.

D cont.

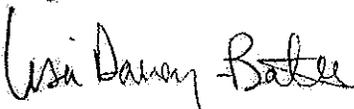
As you are aware, the Lake APC is coordinating the **Regional Blueprint Planning Program** in coordination with the cities of Lakeport and Clearlake, and the County of Lake. The Regional Blueprint Planning program aims to further concepts such as infill development, smart growth, and the protection of agricultural and natural resources. It is expected that goals will be identified during the community outreach phase of the Regional Blueprint Planning process currently underway which could eventually be incorporated into the General Plan and other planning documents and policies. The APC is also in the process of updating the Regional Transportation Plan (RTP) and will be conducting public workshops in the spring of 2009.

E

Through the Lake APC annual Overall Work Program (OWP) there may be funds available to assist the City with achieve a number of objectives such as T 33.1-a (sidewalk inventory), and the development of the City's five year Capital Improvement Program.

Please contact me if you have any questions of if I can be of assistance.

Regards,



Lisa Davey-Bates  
Executive Director

**Letter 6 Lisa Davey-Bates, Executive Director, Lake County/City Area Planning Council**

**Response 6A:** Comment noted. The commenter notes that the traffic control device inventory was completed in November 2008. No further response is required.

**Response 6B:** The data in the fee study is not comparable to the data in Table 3.12-9 of the Draft EIR. Table 3.12-9 contains data related to buildout and the data in the fee study is based upon a population projection. This data is not necessarily inconsistent, it is different types of data.

**Response 6C:** Comment noted. The commenter states that a countywide roadway capital improvement program (CIP) is currently being prepared.

**Response 6D:** Policy T 36.1 will be revised as shown below:

Policy T 36.1: Public Transit. Encourage the continuation of public transit and cooperate with the Area Planning Council and Lake Transit Authority to implement a regional public transit system.

Policy T 34.1 and Program 34.1a will be revised to include the following statement:

Policy T 34.1: Design Guidelines for Public Transit. The City will coordinate with Lake Transit Authority and establish design guidelines for residential and commercial development to facilitate future public transit service.

Program T 34.1-a: The City will coordinate with Lake Transit Authority and establish design guidelines in the Zoning Ordinance to facilitate the future public transit service. Consider identifying areas for the location of future bus stops, right-of-ways for bus turnouts, and facilities in high density residential developments to facilitate future use of public transit.

Policy T 23.1 will be revised to add the following language:

Policy T 23.1: Update Bikeways Plan. Update the Bikeways Plan within five years of adoption of the Transportation Element consistent with the Regional Bikeway Plan developed by the Lake County/City Area Planning Council.

The first sentence of the third paragraph of Impact 3.12-1 will be revised as shown below:

The City will have to coordinate with Lake County, ~~and~~ Caltrans, and Lake County/City Area Planning Council to ensure the timely delivery of the interchange.

**Response 6E:** Comment noted. The commenter notes that the Regional Blueprint Planning Program is underway. It is also stated that there may be funds available to assist the City with a number of objectives in the proposed General Plan.

RECEIVED  
DEC 17 2008

Local Agency Formation Commission of  
Lake County

December 17, 2008

City of Lakeport  
225 Park Street  
Lakeport, CA 95453

Attn: Mark Brannigan, Director

**SUBJECT: Draft Environmental Impact Report (DEIR) for the City of  
Lakeport's General Plan SCH #2005102104**

Dear Mr. Brannigan,

Thank you for sending LAFCO a copy of the DEIR the City is undertaking for its General Plan Update. It is the policy of Lake LAFCO to actively participate in the development of Environmental Documents where LAFCO is a Responsible Agency as required in Section 15096 of the CEQA guidelines. LAFCO is concerned with the orderly provision of urban services in the City and surrounding area and that the services required for any subsequent development be provided by an established service provider, where feasible and that the service provider has and maintains adequate funding for the services provided.

LAFCO has completed a process of preparing a Municipal Service Review (MSR) for services in the City of Lakeport Area and ultimately will undertake a Sphere of Influence Update for the City. The MSR will need substantial revisions since it is out of date. This MSR will be updated prior to establishment of the Sphere of Influence Update, which has been "on-hold" pending completion of the City's General Plan and EIR.

LAFCO intends to use the City's DEIR for its environmental document for the upcoming Sphere of Influence Update rather than preparing a new environmental document for that purpose. Under the "Purpose of the EIR" section of the EIR, it should be clearly stated that LAFCO will be using this EIR for the upcoming City's Sphere of Influence update and subsequent annexation applications mentioned in the EIR. Supplements or addendums to this document may be needed depending upon whether new information becomes available when an annexation or Sphere Amendment and (or) Update takes place.

It should be clearly stated throughout the EIR that LAFCO is a responsible agency and that the Sphere of Influence is a LAFCO responsibility and not a responsibility of the City and the City is recommending to LAFCO a Sphere of Influence as set forth in the General Plan Document.

Be advised Government Code Section 56425 calls for a City-County meeting and process regarding a Sphere of Influence as well as a possible agreement between the City and County. Depending upon the results of such a meeting and (or) agreement, changes in the EIR could be needed prior to LAFCO being able to use this Environmental Document for the City's Sphere of Influence update.

With respect to the "Specific Plan Area", prior to an amendment to the Sphere of Influence for this area LAFCO would like to see detailed information meeting the requirements of State Law

A

B

C

D

regarding Specific Plans and an expanded level of environmental review not seen in the General Plan EIR.

D cont.

Under the Section regarding Areas of Controversy, I would note the Sphere of Influence update and subsequent annexation of the "Specific Plan Area" and analyze it accordingly throughout the EIR.

On page 1-1 the statement "No additional public agencies whose discretionary approval is required have been identified" is incorrect since LAFCO is a responsible agency and has the authority to establish a Sphere of Influence and approve changes of organizations. The DEIR should also analyze any environmental impacts associated with the Sphere of Influence update and subsequent development. Project level analysis will be required when an actual annexation is proposed.

E

Chapter 2, Section 2.2, page 2-1 Proposed Action the phrase is unclear "..... the City is proposing amendments to the existing General Plan that would increase the City's Sphere of Influence". In fact, the City is proposing amendments that would require LAFCO approval of the City's recommended Sphere of Influence. We would suggest changing this to read "With the exception of LAFCO, which establishes and approves Spheres of Influence and considers and approves annexations to cities and ....." .

F

Chapter 3.2 Agricultural Resources. Among LAFCO's primary objectives is the conservation of agricultural lands. In order for this EIR to be adequate for LAFCO's use, this Chapter needs to also include an analysis of agricultural lands and resources with appropriate mitigation identified using LAFCO's definition of Prime Agricultural Land as stated in Section 56064 as follows:

**56064.** "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.

G

(Amended by Stats. 2007, Ch. 244.)

Chapter 3 Page 3-11 LAFCO and its role should be mentioned under the Regulatory Setting.

H

Chapter 3 Mitigation Measure 3.2.1(a) The language of this mitigation measure and the General Plan policy it echoes do not contain any enforceable assurance that agricultural lands will in fact be protected. To meet the requirements of CEQA for adequacy, a mitigation measure must be feasible and and effective to remedy the potentially significant impact. (Gray v. County of Madera, (2008) 167 Cal.App.4<sup>th</sup> 1099). This measure does not meet that standard. We would recommend that the EIR include as a mitigation measure to protect agricultural land in the sphere , the following mitigation measure:

I

*The City shall adopt as part of its General Plan Policies the following Policy: Lands within the sphere that meet the definition of prime agricultural land under G.C. 56064 shall only be annexed when there is insufficient undeveloped non prime land within the City or Sphere to accommodate the immediate growth needs of the City.*

Chapter 3 Mitigation Measure 3.2.1(b) LAFCO concurs with this mitigation measure and will require this mitigation measure for prime agricultural lands meeting the definition in Government Code Section 56064.

J

Chapter 3 Page 3-13. What is the status of the Williamson Act Contract within the “Specific Plan Area”? The EIR states that there are no such contracts. Has this been confirmed? Is the 65 acres zoned Agricultural Preserve by the County not under Williamson act contract? If there is land under Williamson Act within the proposed sphere, the EIR needs to discuss the specific limitations on annexation of land subject to Williamson Act contracts contained in Cortese-Knox-Hertzberg.

K

Chapter 3 Page 3-83 Depletion of groundwater or interference with recharge. We disagree that depletion of groundwater or interference with recharge is a less than significant impact. This impact might be minimal if looked at only under present circumstances since the City presently obtains most of its water from Clear Lake. However in future this source may not be adequate given the legal limitations on the citys water contract rights and require greater use of groundwater pumping. Such city use, when coupled with the extensive urban development proposed outside the City (eg Casa Del Lago) is likely to cumulatively have significant impact on groundwater resources. Since this is a potentially significant impact, there should be appropriate mitigation measures included in the DEIR. We suggest a policy limiting the use of groundwater to present levels extracted and securing additional water from Clear Lake to accommodate growth could be used as a mitigation measure. In addition the City should adopt a Management Objective Policy for Subsidence, Water Quality and Groundwater Depth for each of the four Scott’s Valley Wells and when the objective is exceeded, pumping should be curtailed or eliminated and the use of Clear Lake Water should be used. On a related matter, what is the scope and status of the agreement with Yolo County Flood Control regarding the use of Clear Lake water to support growth in the “Specific Plan Area” and the City in General?

L

Chapter 3, Page 3-88 The second paragraph states: “By State Law, the City must be notified of any proposed land use changes within its SOI and be provided an opportunity to comment on the changes” Please provide us with a code reference.

M

Chapter 3, Page 3-113 the Reference to the “DRAFT” Municipal Services Review should be changed to “adopted” Municipal Services Review.

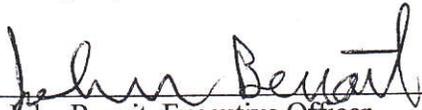
N

LAFCO is concerned about the cumulative service impacts subsequent development and growth in the City may have on various local service providers such as the Lake Co. Sanitation District and the County as a whole. We assume subsequent development will undergo additional environmental review on a project-by-project basis, which may later be used by LAFCO in considering individual future annexations.

Thank you for providing LAFCO with the opportunity to comment on the City's General Plan EIR. Please provide copy of the Final EIR, once released.

Sincerely,

Elizabeth Davis, Chair  
Local Agency Formation Commission of Lake County

  
By John Benoit, Executive Officer

**Letter 7     John Benoit, Executive Officer, Local Agency Formation  
Commission of Lake County**

**Response 7A:** Comment noted. Following the second paragraph, Page 1-2 is hereby revised to state:

As a Responsible Agency, LAFCO intends to use this EIR for the upcoming Sphere of Influence update. If possible, this EIR may also be used for subsequent annexations although supplements or addendums may be required depending upon whether new information becomes available.

**Response 7B:** The first paragraph on page 1-1 is revised to add the following language:

LAFCO is a Responsible Agency and the proposed amendment to the Sphere of Influence is a responsibility of LAFCO. The City will recommend to LAFCO the Sphere of Influence as set forth in the General Plan document.

**Response 7C:** Comment noted. The commenter notes that California Government Code Section 56425 calls for meetings and possibly an agreement between the City and the County. All subsequent actions will be done in accordance with the California Government Code.

**Response 7D:** The General Plan designates an area as a “Specific Plan area.” This area will require development of a Specific Plan in accordance with state law. Details regarding any proposed development will be available at that time and analyzed in a subsequent environmental document. It would be premature to attempt an expanded level of environmental review at this time, since the information that would be required is not available. The proposed expansion of the Sphere of Influence is included in the list of potential areas of controversy on page ES-2.

**Response 7E:** That statement is referring solely to the actual adoption of the General Plan. Please see the text on page 2-4 of the Draft EIR as well as changes recommended in Response 7A and 7B above that describe the role of LAFCO.

**Response 7F:** The first paragraph of Section 2.2 is revised to state:

To meet the objectives, as defined in Section 2.4, the City is proposing amendments to the existing General Plan that would recommend an increase to the City’s Sphere of Influence. LAFCO is the Responsible Agency that will ultimately establish and approve the Sphere of Influence boundary. In addition, the land-use designation for certain areas within the city limits would be amended to allow a broader mix of uses than currently allowed. With the implementation of the proposed General Plan, buildout of the Specific Plan area would result in a variety of potential uses including: increased residential development, commercial development, and open space.

**Response 7G:** The CEQA threshold of significance as stated on page 3-12 of the Draft EIR was utilized in the analysis of the impact to agricultural resources. The loss of agricultural land was

determined to be significant and unavoidable. The use of the LAFCO definition would not alter the mitigation measures that are proposed or the determination of significance. In the event LAFCO requires this analysis in order to consider amendment of the Sphere of Influence, an addendum may be required.

**Response 7H:** Page 3-11 will be revised to add the following:

The Lake County LAFCO reviews changes to SOIs, annexations to cities and special districts in Lake County, the adequacy of public services to proposed annexations, and the effect of these actions on prime agricultural land. LAFCO has adopted local goals, objectives and policies to guide its decision-making. Lake County LAFCO's purpose with regards to SOIs is as follows:

1. To ensure orderly urban growth in the areas adjacent to a city, community or district, and in particular those areas which might reasonably become a part of such entities at some time in the future.
2. To promote cooperative planning efforts between the various cities, County and districts, to ensure proper effectuation of their respective general plans.
3. To coordinate property development standards and encourage timely urbanization with provisions for adequate and essential services such as sewer, water, fire and police protection.
4. To assist other governmental districts and agencies in planning the logical and economical extension of all governmental facilities and services, thus avoiding unnecessary duplications.
5. To assist property owners to plan comprehensively for the ultimate use and development of their land.

**Response 7I:** The commenter is correct in stating that Mitigation Measure 3.2-1a does not mitigate the potential impact to a less than significant level. This mitigation will reduce the impact, but not to a less than significant level, as noted on page 3-13. The loss of agricultural land is identified as a significant and unavoidable impact. The suggested language might also serve to reduce impacts, but it also would not reduce the impact to a less than significant level since it would serve only to affect the timing of when the agricultural land is converted and not the amount of land that is ultimately converted.

**Response 7J:** Comment noted. The commenter is in agreement with Mitigation Measure 3.2-1b. No further response is required.

**Response 7K:** There is no land within the proposed Sphere of Influence that is currently under a Williamson Act contract. This information has been confirmed.

**Response 7L:** The commenter disagrees with the conclusion in the Draft EIR on page 3-83 related to groundwater. Additional more detailed information is on page 3-153 through 3-154 and 3.13-4. The commenter has not submitted any evidence to substantiate the claim that there will be a potentially significant impact to groundwater. It is only stated that there is extensive urban development proposed outside the city.

**Response 7M:** This statement is incorrect and will be deleted. It is only required if there is a formal agreement between the County and the City. The first paragraph on Page 3-88 will be revised as follows:

The Sphere of Influence is defined in California Government Code Section 56076 as "a plan for the probable physical boundaries and service area of a local agency as determined by LAFCO." Annexations to the city must be located within the SOI and adjacent to existing city boundaries in order to be approved by LAFCO. ~~By State law, the City must be notified of any proposed land use changes within its SOI and be provided an opportunity to comment on the changes.~~

**Response 7N:** The language in the fourth paragraph on page 3-113 will be revised as follows to indicate that the Municipal Services Review was completed:

According to the October 2003 ~~Draft-adopted~~ Municipal Services Review for the Lakeport Local Agency Formation Commission (LAFCO), the Police Chief reports that the crime level in the community is low, and the ratio of sworn officers to resident population is relatively high when compared to cities of comparable size. The Department deploys one officer on patrol in the City at all times, with general coverage of the City, and no "beat" system.

**Response 7O:** Subsequent growth may have an impact on city services, but it would be speculative to attempt to determine what those impacts would be in this Program EIR because it is not known what future projects may be proposed or approved. Future projects will be subject to further environmental review in accordance with the California Environmental Quality Act.

**RECEIVED**

DEC 09 2008

**John and Cheyanne Parker**  
**PO Box 1353**  
**Lucerne, CA 95458**  
**(707) 274-2233**  
**wolfcreekarcheology.com**

December 6, 2008

City of Lakeport Community Development Department  
225 Park Street  
Lakeport, California 95453

RE: Comments for the General Plan EIR

Dear Lakeport City Planning Staff,

Thank you for allowing me to review and comment on the Draft EIR prepared for the Lakeport General Plan Update.

As I am a Registered Professional Archaeologist with 37 years of expertise in the field of Cultural Resource Land Use Planning, I will restrict my comments to only the Cultural Resource Section of the EIR (3.5).

## **LAKEPORT GENERAL PLAN EIR SEC. 3.5 CULTURAL RESOURCES**

The mitigation measures as written on page 3.61 will not "reduce impacts on cultural resources to a **less than significant** level."

### ***Impact Mitigation Measure 1***

**Program PR 1.10-b:** *Prior to altering any structure with historical significance within the City of Lakeport, the General Plan shall be consulted and any alterations shall be in compliance with General Plan policies. For structures over 45 years old an architectural historian should conduct archival and/or field research to determine the structure's historical value. Relocation of historic structures (if necessary) should be implemented where practical.*

### **Problem**

All historic structures are surrounded by historic archaeological deposits that contain information detailing the use of the historic structure. There is no wording in this measure indicating that all historic structures are surrounded by archaeological deposits. These deposits ARE as significant as the structure and contain a history of the activities that took place within the structure.

A

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**Recommended Change**

When dealing with historic structures, there needs to be a provision that both a historic archaeologist as well as an architectural historian evaluate the structure and the grounds around the structure.

**Problem**

It should be stressed that part of a historical structure's significance is based on its location and setting. Once a historic structure is moved from its original location, it loses its historical significance.

A cont.

**Recommended change**

The relocation of a historic structure should be considered only as a last resort and with the knowledge that once moved, the structure loses its historical significance.

***Impact Mitigation Measure 2***

*Program PR 1.10-c: In the event that archaeological resources are encountered during subsurface construction for land development projects, land alteration work in the general vicinity of the find shall be halted and a qualified archaeologist shall be consulted. Prompt evaluations could then be made regarding the finds and course of action acceptable to all concerned parties could then be adopted. Local Native American organizations shall be consulted if human remains are encountered.*

**Problem**

This mitigation measure assumes that the contractor is responsible for recognizing an archaeological resource and making the determination to call in an archaeologist to deal with the resource. This is not logically feasible for two reasons:

1. Most contractors are not trained in archaeology and would not recognize an archaeological resource if they saw one.
2. Contractors have a vested (monetary) interest in making sure that there are no delays in project construction that could take away from their profit margin. It is foolish to assume that a contractor would voluntarily stop a project even if they were able to recognize an archaeological resource.

B

**Recommended Change**

This Mitigation Measure should stipulate that ALL discretionary projects include an archaeological Phase I inspection to ensure that no

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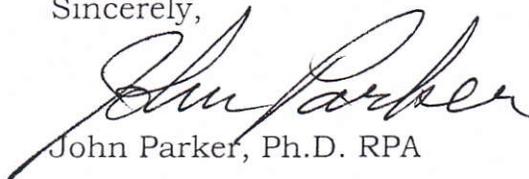
DEC 09 2008

**B cont.**

unrecorded cultural resources are overlooked during the land use planning process (as required by CEQA Sec. 21083.2).

Feel free to contact me if you have any questions or comments concerning these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Parker".

John Parker, Ph.D. RPA

CC: Jody Larson (Environmental Director, Scott's Valley Band of Pomo)  
Sarah Ryan (Environmental Director, Big Valley Band of Pomo)

**Letter 8      John Parker, Ph.D, RPA**

**Response 8A:** The second sentence of Mitigation Measure 3.5-1, Program PR 1.10-b is revised to state:

*For structures over 45 years old, an architectural historian and a historic archeologist should conduct archival and/or field research to determine the structure's historical value. ~~Relocation of historic structures (if necessary) should be implemented where practical~~ should only be done if there is no other alternative available.*

**Response 8B:** CEQA Section 21083.2 does not require a Phase 1 inspection for all discretionary projects. The commenter is correct that a contractor may not recognize a cultural resource. For this reason, revisions to Program 1.10-c are recommended. Please see Response 3A.

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
(916) 657-5390 - Fax



November 13, 2008

Mark Brannigan  
City of Lakeport  
225 Park Street  
Lakeport, CA 95453



Clear  
12-18-08  
e

RE: SCH# 2005102104 City of Lakeport General Plan: Lake County.

Dear Mr. Brannigan:

The Native American Heritage Commission has reviewed the Notice of Completion (NOC) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **Sacred Lands File check completed, no sites indicated**
  - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

*Katy Sanchez*

Katy Sanchez  
Program Analyst  
(916) 653-4040

CC: State Clearinghouse

A

**Letter 9**      **Katy Sanchez, Program Analyst, California Native American Heritage Commission**

**Response 9A:** The protection of cultural resources is discussed on pages 3-55 through 3-61. In addition to the plan policies directed toward the protection of cultural resources, mitigation measures are also recommended. Please see also Responses to Letter 3 and Letter 8.



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

January 5, 2009

**RECEIVED**

JAN 9 2009

Mark Brannigan  
City of Lakeport  
Community Development Department  
C 225 Park Street  
Lakeport, CA 95453

Subject: City of Lakeport General Plan Update  
SCH#: 2005102104

Dear Mark Brannigan:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on December 18, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2005102104) when contacting this office.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures

cc: Resources Agency

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 1, P. O. BOX 3700  
 EUREKA, CA 95502-3700  
 PHONE (707) 445-6409  
 FAX (707) 441-5869  
 TTY (711)

**LETTER 10**

*Flex your power!  
 Be energy efficient!*

**RECEIVED****JAN 8 2009**

December 30, 2008

1-LAK-29-41.4/42.0  
 City of Lakeport General Plan Update  
 SCH: 2005102104

Mark Brannigan, Director  
 Community Development Department  
 City of Lakeport  
 225 Park Street  
 Lakeport, CA 95453

Dear Mr. Brannigan,

Thank you for giving us the opportunity to comment on the Public Review Draft of the Lakeport General Plan Update (GPU) and the GPU Draft Environmental Impact Report (DEIR). We have the following comments:

**PUBLIC REVIEW DRAFT - GENERAL PLAN UPDATE****IV. TRANSPORTATION ELEMENT****Existing Roadway Network and Traffic Flow**

- Page IV-5, second paragraph, discusses the existing crossings of SR 29 and the future need to increase capacity as areas to the west of the freeway develop. 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.
- Page IV-5, fourth paragraph, refers to "Principal Arterials." We recommend deletion of the word "Principal," as the term "Principal Arterial" has a specific meaning which would only apply to SR 29 in the Lakeport area.

**Historic Growth Trends**

The Historic Growth Trends discussion refers to Table 13 to show that annualized traffic volumes have not significantly increased since the counts were collected for the 1991 General Plan Update. 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.

**Figure 6 Recommended Roadway Improvements**

Appendix B, page 2, identifies a full freeway interchange at the Route 29/Martin Street

**A**

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.

### **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 bike 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.

## POLICIES AND PROGRAMS

### **Policies T 4.1, T 7.1, and T 12.1** (on pages IV-13 and IV-15):

We support the inclusion of these three proactive policies: to require new development to provide off-site improvements that adequately mitigate traffic problems they generate; cooperate with other jurisdictions to develop and implement regional solutions to traffic problems and request that the County enter into a management agreement; and facilitating the free flow of traffic on arterials and collectors.

### **Policy T 6.1** (page IV-13)

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 1358, passed in 2008), which requires cities and counties to ensure that local roads and streets adequately accommodate the needs of bicyclists, pedestrians, and transit riders, as well as motorists.

### **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: <<http://www.dot.ca.gov/dist1/d1transplan/tisguide-Dec02.pdf> >.

## APPENDIX B

### **Recommend 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.

**A cont.**

- 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 the projects to State interchange spacing and design standards. We recommend considering the modification of existing interchanges to increase capacity as needed.

**A cont.**

## **DRAFT ENVIRONMENTAL IMPACT REPORT**

### 3.12 TRANSPORTATION/TRAFFIC

As noted in our previous comment on the Historic Growth Trends section, growth projections should not be based on complete buildout of the General Plan. In response to the transportation and traffic needs at buildout, we have the following comments:

- Impact 3.12-1 states that buildout of the Lakeport General Plan will increase the traffic volume on State Route 29 and will result in Levels of Service (LOS) in excess of the City's LOS D standard for non-freeway sections. This impact is followed by the statement that no mitigation is required. We do not concur. We consider the collection of fair-share funds for development-generated traffic impacts and coordination with the County of Lake and Caltrans to fund improvements at the junction of State Routes 29 and 175 to be adequate mitigation. We request that the DEIR be revised to reflect this.
- Impact 3.12-2 states that build-out of the Lakeport General Plan will increase traffic on SR 29 interchanges and result in the need to upgrade these facilities. We consider this to be a significant impact and request that the DEIR be revised to state that this impact will be mitigated to less than significant levels.
- Impact 3.12-5: the identified intersections that are recommended for mitigation in the capital improvement program should be clarified. Seven intersections are listed; five of which are recommended for signalization, but are not specified.
- Impact 3.12-6 states the General Plan "could result in inadequate bicycle and pedestrian facilities" and concludes "less than significant" and "no mitigation measures required. We consider inadequate bike and pedestrian facilities to be a significant impact to non-motorized travel. See the discussion of "Complete Streets" (AB1358), above, regarding new city and county requirements for providing multi-modal facilities. Any impacts to bike and pedestrian facilities on State Routes that result from the General Plan Update/City approved growth and development, will need to be mitigated.

**B**

**C**

**D**

**E**

MANDATORY CEQA SECTIONS

**5.2 Effects Not Found To Be Significant in the EIR, Transportation/Traffic**

Page 5-6, lists transportation/traffic impacts identified in the DEIR for the General Plan Update. Impacts, 3.12-1, -2, & -6, are significant impacts, and thus we recommend changing the findings for these impacts from "Less than Significant" to "Significant." Significant impacts must be mitigated, if mitigation is feasible.

We look forward to working with the city to implement the goals set forth in this plan and to improve mobility for the traveling public. If you have questions or need further assistance, please contact me at the number above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Carstensen", followed by the word "for" in a smaller, cursive script.

Dave Carstensen  
Associate Transportation Planner  
District 1 Planning

c: Scott Morgan, State Clearinghouse

F

## LATE COMMENT LETTERS

Although CEQA does not require that late comments be responded to in the FEIR, this response is provided for informational purposes.

**Letter 10**     **Dave Carstensen, Associate Transportation Planner, District 1 Planning, California Department of Transportation**

**Response 10A:** This letter is a comment on the Draft General Plan and does not contain any comments on the Draft EIR. The Lead Agency will consider these comments when they consider the merits of the plan document.

**Response 10B:** As stated on page 3-147, Policy T-19.1 requires that all new development within the city pays its fair share. Policy 7.1 requires cooperation with other jurisdictions to fund transportation improvements. Program 7.1-b specifically addresses cooperation with Caltrans and the need to obtain funding. These policies serve as mitigation for the potential impacts to SR29/SR175 intersection. This is consistent with the statement from Caltrans that payment of fair share along with jurisdictional cooperation will be adequate mitigation.

**Response 10C:** See comment 10B. The plan policies provide “mitigation” for these impacts. Mitigation measures that would repeat these policies are not necessary.

**Response 10D:** Two of the intersections are located outside the city limits and it would be premature to include them in the CIP. The list in Mitigation Measure 3.12-5 will be revised as shown below to delete the intersection of Todd Road/Sandy Land and SR 29/SR 175.

**Mitigation Measure #3.12-5:**

*Signalization of the following five intersections shall be included as improvement projects in the City’s Five Year Roadway Capital Improvement Program:*

- Lakeshore Blvd. / 20<sup>th</sup> Street
- Martin Street / Russell Street
- ~~Todd Road / Sandy Lane~~
- ~~SR 29 / SR 175 / Main Street~~
- Lakeport Blvd. / Main Street
- 11<sup>th</sup> Street / Main Street
- 11<sup>th</sup> Street / Forbes Street

*Alternatives to signalization that result in a LOS “C,” such as the installation of roundabouts shall be considered and shall constitute adequate mitigation for this impact.*

**Response 10E:** The conclusion that this impact is less than significant is based on the numerous policies and programs contained in the General Plan. These policies serve to “mitigate” this potential impact. Mitigation measures that would repeat these policies are not necessary.

**Response 10F:** As noted in Responses 10B, 10C, and 10E above, the policies in the General Plan serve to mitigate the potential impacts. Implementation of these policies results in a less than significant impact.

## CHAPTER FOUR

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# MITIGATION MONITORING PLAN

## **CHAPTER FOUR MITIGATION MONITORING PLAN**

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a public agency to adopt a reporting or monitoring program in those cases where the public agency finds that changes or alterations have been required in, or incorporated into, a project, and that those changes mitigate or avoid a significant effect on the environment. A public agency may delegate the monitoring or reporting responsibilities to another public agency or private entity that accepts the delegation, but the lead agency remains responsible for ensuring that the mitigation measures have been implemented (CEQA Guidelines § 15097).

Table 4-1 identifies each mitigation measure identified in the Environmental Impact Report, and identifies the monitoring or reporting plan, and timing for such efforts.

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**Table 4-1  
Mitigation Monitoring Plan**

Mitigation No.	Mitigation Measure	Monitoring Plan & Timing	Implementing Agencies
<b>3.1 Aesthetics</b>			
3.1-1	<p>The following policy and program shall be added to the updated Lakeport General Plan Conservation Element:</p> <p><b>Policy C-1.4: Hillside Protection.</b> Development in areas with a 25% slope or greater shall be subject to the following criteria:</p> <ul style="list-style-type: none"> <li>• Limit grading and retain the natural terrain to the extent possible.</li> <li>• A minimum area of twenty-five percent of the lot area should remain in its natural state</li> <li>• No development should be allowed within 100 vertical feet of the ridgeline unless there are no site development alternatives</li> <li>• Development located in hillside areas shall avoid removal of oak trees that are six inches in diameter. In the event that removal of oak trees is necessary, three trees shall be planted for every significant tree removed.</li> <li>• Oak trees shall be further protected during construction through the use of orange fencing placed a minimum of 8 feet from the dripline of the trees.</li> </ul>	Upon General Plan adoption	City of Lakeport
<b>3.2 Agricultural Resources</b>			
3.2-1a	<p>The City will encourage property owners outside the City limits but within the SOI to maintain their land in agricultural production until the land is converted to urban uses. The City will also work cooperatively with land trusts and other non-profit organizations to preserve agricultural land in the region. This may include the use of conservation easements. Infill development will be preferred and encouraged over fringe development. Sequential and contiguous development is also preferred and encouraged over leap-frog development.</p>		

Mitigation No.	Mitigation Measure	Monitoring Plan & Timing	Implementing Agencies
3.2-1b	<p>Prior to recording final maps for any development project, any project impacting Prime Farmland, Unique Farmland or Farmland of Statewide importance shall preserve land of equal or better quality in terms of agricultural value at a minimum ratio of 1:1 and shall protect the land for agricultural use through permanent land use restrictions such as an agricultural conservation easements. An organization such as the Lake County Land Trust shall be used to facilitate the establishment of the conservation easement. The purpose of the conservation easement shall be to assure that the land remains available for farming. The land shall be available as closely as possible to the plan area, to the satisfaction of the City of Lakeport Community Development Department. The proposed conservation easement for the property shall be submitted to the city or county for review and approval.</p>	Prior to recordation of Final Maps	City of Lakeport, Lake County Land Trust
<b>3.3 Air Quality</b>			
3.3-4	<p>To reduce greenhouse gas emissions and thus reduce air quality impacts, the following objectives, policies, and programs shall be added into the General Plan Update:</p> <p>Land Use Element:</p> <ul style="list-style-type: none"> <li>• Encourage public and private construction of LEED (Leadership in Energy and Environmental Design) certified (or equivalent) buildings.</li> </ul> <p>Conservation Element:</p> <ul style="list-style-type: none"> <li>• Continue to maintain and update energy conservation programs and information provided to the public.</li> <li>• Work with utility providers to provide free energy audits for the public.</li> <li>• The project level applicants and City shall jointly develop a tree</li> </ul>	Upon Plan adoption	City of Lakeport

Mitigation No.	Mitigation Measure	Monitoring Plan & Timing	Implementing Agencies
	<p>planting informational packet to help project area residents understand their options for planting trees that can absorb carbon dioxide.</p> <ul style="list-style-type: none"> <li>• Preserve and replace onsite trees (that are removed due to development) as a means of providing carbon storage.</li> <li>• Recognize and promote energy saving measures beyond Title 24 requirements for residential and commercial projects.</li> </ul> <p>Transportation Element:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Prioritized parking within commercial and retail areas shall be given to electric vehicles, hybrid vehicles, and alternative fuel vehicles.</li> <li>• All non-residential projects shall provide bicycle lockers and/or racks.</li> <li>• Create conditions of approval for projects to limit idling time for commercial vehicles, including delivery and construction vehicles.</li> </ul> <p>Other mitigation measures:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Incorporate energy efficient bulbs and appliances for traffic lights,</li> </ul>		

Mitigation No.	Mitigation Measure	Monitoring Plan & Timing	Implementing Agencies
	<p>street lights, and other electrical uses.</p> <ul style="list-style-type: none"> <li>Encourage large businesses to develop commute trip reduction plans that encourage employees who commute alone to consider alternative transportation modes.</li> </ul>		
3.3-6	<p>The following policy and program shall be added to the updated Lakeport General Plan Conservation Element:</p> <p><b>Policy C 3.3: Naturally Occurring Asbestos.</b> 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.</p> <p><b>Program C 3.3-a: Adopt a Naturally Occurring Asbestos Ordinance.</b> The City should adopt an ordinance that regulates construction activities in areas that may contain serpentine soils.</p>	Upon Plan adoption	City of Lakeport
<b>3.5 Cultural Resources</b>			
3.5-1	<p><b>Program PR 1.10-b:</b> Prior to altering any structure with historical significance within the City of Lakeport, the General Plan shall be consulted and any alterations shall be in compliance with General Plan policies. Prior to altering any structure with historical significance within the City of Lakeport, the General Plan shall be consulted and any alterations shall be in compliance with General Plan policies. For structures over 45 years old, an architectural historian and a historic archeologist should conduct archival and/or field research to determine the structure's historical value. Relocation of historic structures should only be done if there is no other alternative available.</p> <p><b>Program PR 1.10-c:</b> During review of future development projects, the City shall evaluate the need for the project to have a qualified archeologist conduct the following activities: (1) conduct a record search at the Archeological Information Center and other appropriate</p>	Prior to alteration of structure	City of Lakeport

Mitigation No.	Mitigation Measure	Monitoring Plan & Timing	Implementing Agencies
	<p>historical repositories, (2) conduct field surveys where appropriate, and (3) prepare technical reports, where appropriate, meeting California Office of Historic Preservation Standards. In the event there is a likelihood of resources present the appropriate tribe representatives shall be notified in order to determine whether the presence of an on-site monitor is required. If the project is located within 150 feet of a known or recorded archaeological site, the tribe will be notified prior to commencement of any work and a monitor will be present during the excavation portion of the project and will observe the work to ensure that archeological resources are not damaged.</p> <p>In the event that archaeological resources are encountered during subsurface construction for land development project, land alteration work in the general vicinity of the find shall be halted and a qualified archaeologist shall be consulted. Prompt evaluations could then be made regarding the finds and course of action acceptable to all concerned parties could then be adopted. Local Native American organizations and tribe representatives shall be consulted if human remains are encountered.</p>		
<b>3.10 Population and Housing</b>			
3.10-1	<p>A specific plan shall be prepared for the 600 acre site designated as a specific plan area. This specific plan shall be completed in accordance with the provisions Section 65450 through 65457 of the California Government Code. The specific plan will identify the location of all utilities and circulation systems and be prepared in accordance with the Lakeport General Plan. Prior to adoption of the specific plan, an environmental review shall be required pursuant to the California Environmental Quality Act.</p>	<p>Prior to application to LAFCO for annexation</p>	<p>City of Lakeport Lake LAFCO</p>
<b>3.12 Transportation/Traffic</b>			
3.12-5	<p>Signalization of the following five intersections shall be included as improvement projects in the City's Five Year Roadway Capital Improvement Program:</p>	<p>Within one year of plan adoption</p>	<p>City of Lakeport</p>

Mitigation No.	Mitigation Measure	Monitoring Plan & Timing	Implementing Agencies
	<ul style="list-style-type: none"> <li>• Lakeshore Blvd. / 20<sup>th</sup> Street</li> <li>• Martin Street / Russell Street</li> <li>• Lakeport Blvd. /Main Street</li> <li>• 11<sup>th</sup> Street / Main Street</li> <li>• 11<sup>th</sup> Street / Forbes Street</li> </ul> <p>Alternatives to signalization that result in a LOS “C,” such as the installation of roundabouts shall be considered and shall constitute adequate mitigation for this impact.</p>		

## CHAPTER FIVE

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## REVISED PAGES OF THE DRAFT EIR

Impact #	Impact	Significance	Mitigation #	Mitigation Measure	Significance After Mitigation
	resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.				
3.4-4	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Less Than Significant		No mitigation measures are required.	
<b>3.5 Cultural Resources</b>					
3.5-1	Future development of the Specific Plan area could disturb or destroy buried/previously unidentified cultural resources (archaeological, paleontological, or human remains) within the project site.	Potentially Significant	3.5-1	<p><b>Program PR 1.10-b:</b> Prior to altering any structure with historical significance within the City of Lakeport, the General Plan shall be consulted and any alterations shall be in compliance with General Plan policies. Prior to altering any structure with historical significance within the City of Lakeport, the General Plan shall be consulted and any alterations shall be in compliance with General Plan policies. <u>For structures over 45 years old, an architectural historian and a historic archeologist should conduct archival and/or field research to determine the structure's historical value. Relocation of historic structures (if necessary) should be implemented where practical should only be done if there is no other alternative available.</u></p> <p><b>Program PR 1.10-c:</b> <u>During review of future development projects, the City shall evaluate the need for the project to have a qualified archeologist conduct the following activities: (1) conduct a record search at the Archeological Information Center and other</u></p>	Less Than Significant

Impact #	Impact	Significance	Mitigation #	Mitigation Measure	Significance After Mitigation
				<p><u>appropriate historical repositories, (2) conduct field surveys where appropriate, and (3) prepare technical reports, where appropriate, meeting California Office of Historic Preservation Standards. In the event there is a likelihood of resources present the appropriate tribe representatives shall be notified in order to determine whether the presence of an on-site monitor is required. If the project is located within 150 feet of a known or recorded archaeological site, the tribe will be notified prior to commencement of any work and a monitor will be present during the excavation portion of the project and will observe the work to ensure that archeological resources are not damaged.</u></p> <p>In the event that archaeological resources are encountered during subsurface construction for land development project, land alteration work in the general vicinity of the find shall be halted and a qualified archaeologist shall be consulted. Prompt evaluations could then be made regarding the finds and course of action acceptable to all concerned parties could then be adopted. Local Native American organizations <u>and</u> <u>tribe representatives</u> shall be consulted if human remains are encountered.</p>	

Impact #	Impact	Significance	Mitigation #	Mitigation Measure	Significance After Mitigation
3.12-3	Buildout of the Lakeport General Plan will result in LOS D, E or F conditions on various City streets.	Significant and Unavoidable		No feasible mitigation measures are available.	Significant and Unavoidable
3.12-4	Buildout of the Lakeport General Plan will add traffic to the inter-regional roadway system, including streets and highways in Lake County outside of the City's Sphere of Influence.	Less Than Significant		No mitigation measures are required.	
3.12-5	Buildout of the Lakeport General Plan could result in peak hour Levels of Service in excess of LOS C at intersections in Lakeport.	Potentially Significant	3.12-5	<p>Signalization of the following five intersections shall be included as improvement projects in the City's Five Year Roadway Capital Improvement Program:</p> <ul style="list-style-type: none"> <li>• Lakeshore Blvd. / 20<sup>th</sup> Street</li> <li>• Martin Street / Russell Street</li> <li>• <del>Todd Road / Sandy Lane</del></li> <li>• <del>SR 29 / SR 175 / Main Street</del></li> <li>• Lakeport Blvd. / Main Street</li> <li>• 11<sup>th</sup> Street / Main Street</li> <li>• 11<sup>th</sup> Street / Forbes Street</li> </ul> <p>Alternatives to signalization that result in a LOS "C," such as the installation of roundabouts shall be considered and shall constitute adequate mitigation for this impact.</p>	Less Than Significant
3.12-6	Adoption and implementation of the Lakeport General Plan Update could result in inadequate bicycle and pedestrian facilities.	Less Than Significant		No mitigation measures are required.	

# CHAPTER ONE

## INTRODUCTION

This document is a Draft Program Environmental Impact Report (Draft EIR) prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] §2100 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] § 15000 et seq.). This EIR identifies and assesses the anticipated environmental effects of the adoption and implementation of an update to the City of Lakeport's General Plan. The Lakeport General Plan is the official document used by decision makers and citizens to guide and interpret the City's long range plans for development of land and conservation of resources. In accordance with §15050 and §15367 of the State CEQA Guidelines, the City serves as the Lead Agency for this EIR. LAFCO is a Responsible Agency and the proposed amendment to the Sphere of Influence is a responsibility of LAFCO. The City will recommend to LAFCO the Sphere of Influence as set forth in the General Plan document.

### **1.1 Procedures and Purpose**

Pursuant to Section 15168 of the *Guidelines for Implementation of the California Environmental Quality Act* (CEQA Guidelines), a Program Environmental Impact Report (EIR) is prepared for a series of related actions that can be characterized as one large project, such as a general plan or specific plan. In contrast, a project EIR, the most common type of EIR, examines the impacts that would result from a specific development proposal or other project.

Through the preparation of an Initial Study, the City of Lakeport determined that a Program EIR should be prepared for the *City of Lakeport General Plan Update* pursuant to CEQA Guidelines Section 15063. A Notice of Preparation (NOP) was circulated from October 25, 2005 to November 23, 2005 for review and comment by responsible, trustee, local and other interested agencies. The NOP and responses to the NOP are included as [Appendix A](#) of this EIR.

As defined by Section 15378 of the CEQA Guidelines, a project is any action that "...has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." Section 15093 of the Guidelines requires decision-makers to balance the benefits of a proposed project against any unavoidable environmental effects of the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the decision-makers may adopt a statement of overriding considerations, finding that the environmental effects are acceptable in light of the project's benefits to the public.

Under CEQA, the lead agency is usually the public agency with authority to approve or deny the project. In this case, the Lakeport City Council will act as Lead Agency with authority to certify the EIR. Under Section 15381 of the CEQA Guidelines, a responsible agency is a public agency other than the lead agency that has discretionary approval authority over the project, and will utilize the EIR prepared for the City. No additional public agencies whose discretionary approval is required have been identified. The Lead Agency (Lakeport City Council) is the City

government body, which has discretionary authority to amend land use policies and regulations within city limits.

The CEQA process requires that the lead agency seriously consider input from other interested public agencies, citizen groups and individuals. CEQA provides for a public process requiring full disclosure of the expected environmental consequences of the proposed action. The public must be given a meaningful opportunity to comment. CEQA also requires monitoring to ensure that mitigation measures are carried out.

CEQA requires a 45-day public review period for commenting on a Draft EIR. During the review period, any agency, group or individual may comment in writing on the Draft EIR, and the lead agency must respond in writing to each comment on environmental issues in a Final EIR. According to Section 15202 of the CEQA Guidelines, CEQA does not require formal hearings at any stage of the environmental review process; however, it is typical to consider the EIR and its findings during public hearings required for the associated project.

As a Responsible Agency, LAFCO intends to use this EIR for the upcoming Sphere of Influence update. If possible, this EIR may also be used for subsequent annexations although supplements or addendums may be required depending upon whether new information becomes available.

## **1.2 Organization of the EIR**

### **CHAPTER ONE**

Chapter One briefly describes the procedures and purpose for environmental evaluation of the proposed project, the contents and organization of the Draft EIR, and a brief methodology discussions.

### **CHAPTER TWO**

Chapter Two provides the project location, proposed action, project description, the project objectives, the uses of the EIR, and agency actions and permit requirements.

### **CHAPTER THREE**

Chapter Three provides an environmental analysis evaluating each topical area. Each topical area is organized as follows:

**Introduction.** Each environmental topic is preceded by a description of the topic and a brief statement of the rationale for addressing the topic.

**Environmental Setting.** Description of the existing environment in and around the project area.

**Regulatory Setting.** A discussion of the regulatory environment that may be applicable to the proposed project.

## CHAPTER TWO PROJECT DESCRIPTION

Consistent with Section 15124 of the CEQA Guidelines, this section provides the description of the proposed project. This description forms the basis of the actions and activities to be considered in the analysis of the EIR.

### **2.1 Project Location**

The City of Lakeport is located approximately 42 miles north of Santa Rosa and 91 miles north of San Francisco, in Lake County, California. Lakeport sits on the northwestern shore of Clear Lake in the western/central section of Lake County (see Figure 2-1). Lakeport is the County Seat and is the regional center of commerce and governmental activity in the county. Incorporated in 1888, the city lies 16 miles northwest of Clearlake, the largest city in Lake County. Principal highway access to Lakeport is via State Highway 29, which runs to the west of the city in a general north/south direction. The city limits currently contain approximately 2.7 square miles.

### **2.2 Proposed Action**

To meet the objectives, as defined in Section 2.4, the City is proposing amendments to the existing General Plan that would recommend an increase to the City's Sphere of Influence. LAFCO is the Responsible Agency that will ultimately establish and approve the Sphere of Influence boundary. In addition, the land-use designation for certain areas within the city limits would be amended to allow a broader mix of uses than currently allowed. With the implementation of the proposed General Plan, buildout of the Specific Plan area would result in a variety of potential uses including: increased residential development, commercial development, and open space.

Summarized below are the changes made to the General Plan land use designations from the previous General Plan.

1. From Residential to Office. Bordered by 4<sup>th</sup> Street, Tunis Street, and 1<sup>st</sup> Street.
2. From Commercial to High Density Residential along South Smith Street.
3. From Major Retail to Office and Residential. Located on the east side of Highway 29, bisected by Central Park Avenue.
4. From Major Retail/Low Density Residential to Residential. Bordered by Sandy Lane, Todd Road, and Edith Way.
5. From Commercial to Residential along 20<sup>th</sup> Street to be consistent with underlying zoning.
6. Change the Industrial designation in the vicinity of Kimberly Lane to Major Retail.

Farmland in the Planning Area. These soils do not have any major limitations for normal building activities.

#### **LAND USE DESIGNATIONS, ZONING, AND WILLIAMSON ACT**

There is currently no land within the existing Sphere of Influence (SOI) that is designated or zoned for agricultural use or that is currently under a Williamson Act contract. However, a portion of the area within the proposed expanded SOI is currently designated and zoned by Lake County for agricultural use.

The Lake County LAFCO reviews changes to SOIs, annexations to cities and special districts in Lake County, the adequacy of public services to proposed annexations, and the effect of these actions on prime agricultural land. LAFCO has adopted local goals, objectives and policies to guide its decision-making. Lake County LAFCO's purpose with regards to SOIs is as follows:

1. To ensure orderly urban growth in the areas adjacent to a city, community or district, and in particular those areas which might reasonably become a part of such entities at some time in the future.
2. To promote cooperative planning efforts between the various cities, County and districts, to ensure proper effectuation of their respective general plans.
3. To coordinate property development standards and encourage timely urbanization with provisions for adequate and essential services such as sewer, water, fire and police protection.
4. To assist other governmental districts and agencies in planning the logical and economical extension of all governmental facilities and services, thus avoiding unnecessary duplications.
5. To assist property owners to plan comprehensively for the ultimate use and development of their land.

#### **GENERAL PLAN UPDATE**

The General Plan update proposes to expand the Sphere of Influence to include an approximately 600-acre "Specific Plan Area" (see Figure 2-2). The Specific Plan Area would be developed as residential, including cooperative ownership properties to serve the vacation market, plus very limited commercial. Based on the recommended density range of 1-4 units per acre, the Specific Plan Area could result in between 600 and 2,400 residential units at build-out.

The updated General Plan proposes the deletion of existing General Plan Policy 20 and Program 20.1. No other changes to policies or programs related to agriculture resources are proposed.

development will be subject to environmental review under CEQA, including analysis of impacts to cultural resources. These policies reduce the potential impact; however, not to a level of insignificance. This impact is *potentially significant*.

### **Mitigation Measures**

The following mitigation measure shall be added to the General Plan and will serve to reduce impacts on cultural resources to a *less than significant* level.

#### **Mitigation Measures #3.5-1:**

**Program PR 1.10-b:** *Prior to altering any structure with historical significance within the City of Lakeport, the General Plan shall be consulted and any alterations shall be in compliance with General Plan policies. For structures over 45 years old, an architectural historian and a historic archeologist should conduct archival and/or field research to determine the structure's historical value. Relocation of historic structures (if necessary) should be implemented where practical—should only be done if there is no other alternative available.*

**Program PR 1.10-c:** *During review of future development projects, the City shall evaluate the need for the project to have a qualified archeologist conduct the following activities: (1) conduct a record search at the Archeological Information Center and other appropriate historical repositories, (2) conduct field surveys where appropriate, and (3) prepare technical reports, where appropriate, meeting California Office of Historic Preservation Standards. In the event there is a likelihood of resources present the appropriate tribe representatives shall be notified in order to determine whether the presence of an on-site monitor is required. If the project is located within 150 feet of a known or recorded archaeological site, the tribe will be notified prior to commencement of any work and a monitor will be present during the excavation portion of the project and will observe the work to ensure that archeological resources are not damaged.*

*In the event that archaeological resources are encountered during subsurface construction for land development project, land alteration work in the general vicinity of the find shall be halted and a qualified archaeologist shall be consulted. Prompt evaluations could then be made regarding the finds and course of action acceptable to all concerned parties could then be adopted. Local Native American organizations and tribe representatives shall be consulted if human remains are encountered.*

market, plus very limited commercial. Based on the recommended density range of 1-4 units per acre, the Specific Plan Area could accommodate between 600 and 2,400 residential units at build-out.

## **SPHERE OF INFLUENCE**

The Sphere of Influence is defined in California Government Code Section 56076 as "a plan for the probable physical boundaries and service area of a local agency as determined by LAFCO." Annexations to the city must be located within the SOI and adjacent to existing city boundaries in order to be approved by LAFCO. ~~By State law, the City must be notified of any proposed land use changes within its SOI and be provided an opportunity to comment on the changes.~~

The Lake County LAFCO reviews changes to SOIs, annexations to cities and special districts in Lake County, the adequacy of public services to proposed annexations, and the effect of these actions on prime agricultural land. LAFCO has adopted local goals, objectives and policies to guide its decision-making. Lake County LAFCO's purpose with regards to SOIs is as follows:

1. To ensure orderly urban growth in the areas adjacent to a city, community or district, and in particular those areas which might reasonably become a part of such entities at some time in the future.
2. To promote cooperative planning efforts between the various cities, County and districts, to ensure proper effectuation of their respective general plans.
3. To coordinate property development standards and encourage timely urbanization with provisions for adequate and essential services such as sewer, water, fire and police protection.
4. To assist other governmental districts and agencies in planning the logical and economical extension of all governmental facilities and services, thus avoiding unnecessary duplications.
5. To assist property owners to plan comprehensively for the ultimate use and development of their land.

Applications to amend city limit boundaries, for example, are presented to LAFCO, which then approves, approves with conditions, or denies the application.

The conversion of agricultural lands to urban uses and the provision of urban services by growing communities are important issues to the County and LAFCO. 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 different. During the General Plan update, the implications of the post-Proposition 13 fiscal environment to the City of Lakeport can be seen as an opportunity to create a more predictable revenue-expenditure model. The Lakeport area's planned growth will, at some time, require annexation to the City. First, long range planning in the Lakeport SOI will occur with a vision shared by both parties and with a revenue stream that can be relied on for the duration of the agreement. Second, an agreement will permit both parties

### **3.11 Public Services and Recreation**

This section of the Draft Program Environmental Impact Report (Draft EIR) analyzes the potential demands on public services and recreation generated by implementation of the proposed general plan update, and makes a determination on the significance of this impact on the providers of these facilities and services. Public services included in this analysis are police enforcement, fire protection, schools, and parks and recreational facilities.

During the Notice of Preparation (NOP) period, two comments were received regarding impacts on public services. These comments were with regard to schools and were submitted by Mendocino College and Lakeport Unified School District.

#### **3.11.1 SETTING**

##### ***Environmental Setting***

##### **POLICE ENFORCEMENT**

The Lakeport Police Department provides 24-hour police protection for the city, including patrol, traffic and parking enforcement, investigations, a school resource officer, special response team, narcotics task force and community crime prevention. The Department has 14 sworn officers, two full-time clerical staff, and two part-time clerical positions. The Department constructed and occupied a new station in 1998. The new 3,500 square foot facility provides adequate space for the foreseeable future. The City maintains a mutual aid agreement with the Lake County Sheriff's Department. Dispatch is coordinated through the Lake County Sheriff, including 911 calls.

According to the October 2003 ~~Draft~~ Adopted Municipal Services Review for the Lakeport local Agency Formation Commission (LAFCO), the Police Chief reports that the crime level in the community is low, and the ratio of sworn officers to resident population is relatively high when compared to cities of comparable size. The Department deploys one officer on patrol in the City at all times, with general coverage of the City, and no "beat" system.

Calls for police service rise in the summer when the number of residents increases. The annual summer increase in population poses substantial, but predictable and manageable, challenges for the Police Department.

The Police Department continues to maintain adequate staffing levels and equipment to provide protection of persons and property in Lakeport. This is accomplished through annual reviews of the police budget, which takes into account increases in demand for services resulting from additional mandates and a changing service area. Traffic-related activity, however, has increased substantially in recent years relative to other police activities. The volume of traffic which passes through Lakeport is increasing, irrespective of locally-generated land use and traffic changes occurring within the city's Planning Area. Traffic enforcement requires an increasing police presence on city streets. Similarly, as unincorporated areas develop, and/or become annexed to the city, increasing demands will be placed on available personnel and equipment.

Program T 21.1-f: Incorporate Class 2 bikeways into new arterial and collector streets wherever feasible.

Program T 21.1-g: Continually maintain bikeways within the City, including patching and sweeping in order to remove debris. Implement a program for inspecting road cuts by contractors and utility companies to assure compliance with City standards and reduce hazards.

Policy T 22.1: Dedication of Right-of-Way. Require the dedication of land for the development of bicycle facilities in all new major land developments or for proposed developments located in an area designated as part of the Bikeways Plan.

Policy T 23.1: Update Bikeways Plan. Update the Bikeways Plan within five years of adoption of the Transportation Element Consistent with the Regional Bikeway Plan developed by the Lake County/City Area Planning Council.

Policy T 24.1: Coordinate Bikeways Plan. Coordinate with Lake County the development of additional bikeways with the trails system indicated in the Conservation, Open Space and Parks Element, the Lakefront Master Plan, and the requirements of the Transportation Element.

Policy T 25.1: Improve Pedestrian Facilities. Create and maintain a safe and convenient pedestrian system.

Program T 26.1-a: Establish and enforce standards for sidewalks, curb and gutter and pedestrian pathways in the Municipal Code for all new developments. Curbs may be mountable or vertical.

Program T 26.1-b: Permit, where appropriate, asphalt pedestrian pathways in low density single family residential areas in lieu of curb, gutter and sidewalk configurations taking into account community sentiment, frontage improvements on adjacent streets, potential for nearby additional infill development, soils conditions, and other relevant factors. Revise the Zoning and Subdivision Ordinances accordingly.

Policy T 26.1: Sidewalks in New Street Improvements. Include sidewalks or pedestrian paths in all new street improvements.

Program T 27.1-a: Adopt standards for pedestrian facilities such as sidewalks, pedestrian paths, curbs, gutters, handicapped ramps in the revised Zoning and Subdivision Ordinances.

Policy T 27.1: Pedestrian Facilities as Traffic Mitigation. Consider pedestrian facilities such as sidewalks and pedestrian paths as an essential traffic mitigation for new developments.

Policy T 28.1: Redevelopment Funds. TDA and CDBG Funds for Pedestrian Facilities: Utilize development tax-increment financing, TDA and Community Development Block Grant (CDBG) funds for pedestrian facilities, as appropriate.

Policy T 30.1: Street Lighting. Consider street light installation, designed for pedestrian rather than vehicular lighting requirements in areas, where moderate to heavy pedestrian traffic is expected and to improve safety.

Program T 30.1-a: Establish lighting standards and specifications for pedestrian paths and sidewalks in the Zoning Ordinance.

Policy T 31.1: Dedication of Land for Pedestrian Facilities. Require dedication of land for pedestrian facilities in compliance with the Trail System Plan contained in the Conservation, Open Space and Parks Element.

Policy T 32.1: Improvement Districts. Consider the formation of Improvement Districts in order to fund pedestrian facility improvements in developed areas of the city.

Policy T 33.1: Additional Sidewalks in Existing Residential Areas. The City shall endeavor to use all feasible and available means to construct sidewalks in priority areas.

Program T 33.1-a: Inventory and map the sidewalks in the City in relation to parks, schools and other pedestrian-intensive routes. Develop a priority for the construction of additional sidewalks. Integrate the sidewalk priority into the City's Five Year Capital Improvement Program (CIP).

Program T 33.1-b: Inform the community, and specifically property owners in areas designated high priority for sidewalk construction, through the newspapers, direct mail and other means, of the costs, benefits and procedures for establishing an Improvement District for sidewalk construction.

Program T 33.1-c: Provide assistance for the establishment of Improvement Districts for residents of built-out areas who wish to install sidewalks or pedestrian pathways.

Policy T 34.1: Design Guidelines for Public Transit. The City will coordinate with Lake Transit Authority and establish design guidelines for residential and commercial development to facilitate future public transit service.

Program T 34.1-a: The City will coordinate with Lake Transit Authority and establish design guidelines in the Zoning Ordinance to facilitate the future public transit service. Consider identifying areas for the location of future bus

stops, right-of-ways for bus turnouts, and facilities in high density residential developments to facilitate future use of public transit.

Policy T 35.1: Dial-A-Ride and Senior Transit Services. Continue to encourage the Dial-A-Ride, Senior Transit and other transit services for persons with special transit needs.

Program T 36.1-a: Continue to monitor the operation of the Dial-A-Ride and Senior Transit services to identify problems and needs. Work with these transit service providers to provide assistance in planning routes and obtaining additional funding.

Policy T 36.1: Public Transit. Encourage the continuation of public transit and cooperate with the Area Planning Council and Lake Transit Authority to continue to implement a regional public transit system.

Policy T 37.1: Speed Zones. Periodically review and adjust speed zones in accordance with the requirements of the California Vehicle Code.

Policy T 38.1: Traffic Control Devices. Traffic control devices shall conform to the Manual on Uniform Control Devices or Caltrans' Traffic Manual warrants for installation, maintenance, and operation.

Program T 38.1-a: Develop and maintain traffic control device inventory and deficiency lists.

Policy T 39.1: Roadway Safety. Increase the safety of the roadway system by removing hazards.

Program T 39.1-a: Review traffic accident records annually to determine where additional street lighting or modifications to the existing street lighting may be required.

Program T 39.1-b: Review high accident areas annually and make recommendation for improvements to the street system. Ensure adequate enforcement of existing speed zones.

Program T 39.1-c: Develop safe route to school plans in cooperation with the school district and the Area Planning Council.

Policy T 40.1: Increased Safety and Accessibility. Provide roadway improvements to increase safety and accessibility for both motorists and pedestrians and to reduce congestion on existing streets.

Program T 40.1-a: Require public street right-of-way dedications as development occurs.

- Result in inadequate parking capacity.

### **3.12.3 IMPACTS AND MITIGATION MEASURES**

***Impact #3.12-1: Buildout of the Lakeport General Plan will increase the traffic volume on State Route 29 and will result in Levels of Service in excess of the City's LOS D standard on non-freeway sections.***

**Discussion/Conclusion:** The volume of traffic forecast at buildout for SR 29 is in the range of 25,000 to 28,000 vehicles per day through Lakeport at buildout of the General Plan. Lakeport residents and visitors will use the highway to reach regional destinations and for intra-city travel. The forecasted traffic volumes require elimination of at-grade intersections and the development of a grade separation at the SR 175/SR 29 intersection. Development of the interchange will require widening of SR 175 approaches and potential relocation of adjoining closely spaced intersections. The need for an interchange was noted in the current General Plan, confirmed in this update and identified in the General Plan Circulation Diagram.

Grade separation at the SR 29/SR 175 intersection was identified in the General Plan Update on the list of Recommended Roadway Improvements. General Plan Policy T 1.1 requires the City to utilize this list of Recommended Roadway Improvements to develop the City's Five Year Roadway Capital Improvement Program. The improvements included in this program are considered the most important and cost effective improvements and will be actively planned for construction by the City.

The City will have to coordinate with Lake County, ~~and~~ Caltrans, and Lake County/City Area Planning Council to ensure the timely delivery of the interchange. General Plan Policy T 7.1 requires the City to cooperate with other jurisdictions to develop and implement regional solutions to traffic problems.

Additionally, General Plan Policy T 19.1 requires that all new development within the city pays its fair share of planned roadway improvements such as the SR 29 / SR 175 grade separation. Program T 19.1-a suggests the adoption and implementation of a City-Wide Traffic Mitigation Fee (TMF) program to better coordinate the payment of this fair share.

This improvement has been recognized as an important and cost effective traffic improvement for the City of Lakeport. General Plan policy will ensure that this improvement becomes part of the City's Five Year Roadway Capital Improvement Program, that the City coordinates with the County and Caltrans on its implementation, and that a funding source is created for its construction. This impact is *less than significant*.

#### ***Mitigation Measures***

No mitigation measures are required.

The General Plan Recommended Roadway and Intersection Improvements list includes a list of intersections that are recommended for signalization. All but five of the intersections identified above as requiring signalization are included on this list. General Plan Policy T 1.1 requires the City to utilize this list of Recommend Roadway Improvements to develop the City's Five Year Roadway Capital Improvement Program. The improvements included in this program are considered the most important and cost effective improvements and will be actively planned for construction by the City. Because the General Plan has not identified all of the intersections requiring signalization, this impact is *potentially significant*.

### **Mitigation Measures**

Implementation of the following mitigation measure will reduce this impact to a *less-than-significant* level.

#### **Mitigation Measure #3.12-5:**

*Signalization of the following five intersections shall be included as improvement projects in the City's Five Year Roadway Capital Improvement Program:*

- *Lakeshore Blvd. / 20<sup>th</sup> Street*
- *Martin Street / Russell Street*
- ~~*Todd Road / Sandy Lane*~~
- ~~*SR 29 / SR 175 / Main Street*~~
- *Lakeport Blvd. / Main Street*
- *11<sup>th</sup> Street / Main Street*
- *11<sup>th</sup> Street / Forbes Street*

*Alternatives to signalization that result in a LOS "C," such as the installation of roundabouts shall be considered and shall constitute adequate mitigation for this impact.*

#### **Impact #3.12-6: Adoption and implementation of the Lakeport General Plan Update could result in inadequate bicycle and pedestrian facilities.**

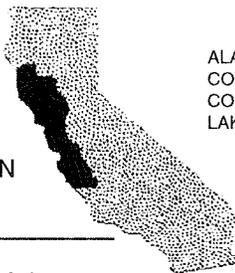
**Discussion/Conclusion:** The existing bicycle and pedestrian circulation system in the City is incomplete and poorly maintained. The General Plan Update contains numerous policies encouraging the completion, improvement and regular maintenance of these existing facilities. Proposed new development will be guided by policies contained in the General Plan that require the dedication of land for the construction of bicycle and pedestrian facilities. In addition, proposed new developments will be subject to environmental review under CEQA, including analysis of impacts on bicycle and pedestrian facilities. This impact is *less than significant*.

### **Mitigation Measures**

No mitigation measures are required.

APPENDIX A

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July 12, 2004

File No: 03-1076

Ben Ritchie  
Quad Knopf  
One Sierragate Plaza, Ste. 270C  
Roseville, CA 95678

Re: Record Search Results for the Proposed Lakeport General Plan: Cultural Resources

Dear Mr. Ritchie:

Per your request received by our office on June 24, 2004, a complete records search for the above referenced project was conducted by reviewing the State of California Office of Historic Preservation records, base maps, historic maps, and literature for Lake County on file at this office. Review of this information indicates that the City of Lakeport contains 12 recorded Native American archaeological resources listed with the Historical Resources Information System:

CA-LAK-215: A large scatter of obsidian tools, flakes, groundstone, and human remains.

CA-LAK-216: A midden site with artifacts and fire affected rocks.

CA-LAK-264: An obsidian scatter with fire affected rocks.

CA-LAK-265: An obsidian scatter with fire affected rocks.

CA-LAK-300: A midden site with numerous artifacts.

CA-LAK-519: A Native American "prayer hill" with an obsidian scatter.

CA-LAK-577: An ethnographic village site with midden soils.

CA-LAK-588: A midden site. This site is listed in the National Register of Historic Places (NRHP.)

CA-LAK-864: An ethnographic village site with midden soils.

CA-LAK-865: An ethnographic village site with midden soils.

CA-LAK-868: An obsidian scatter.

CA-LAK-955: An obsidian scatter.

Based on the information on file with this office, there are no recorded historic-period archaeological sites within the Lakeport city limits. This office has a record of 18 cultural resources studies completed within the City of Lakeport. A bibliographic printout of these studies, including the NWIC file number (S-Number), author, date, report title, and approximate acreage covered by these investigations, is attached to this letter. The Historic Properties Directory (HPD), published by the California Office of Historic Preservation, lists several properties within the City of Lakeport. One of these properties (Old Lake County Courthouse) is listed as a State Historical Landmark (SHL No. 897) and is also listed in the NRHP. Several other properties in the City of Lakeport appear to be eligible for listing in the NRHP and/or the California Register of Historical Resources (CRHR). A photocopy of the HPD list for the City of Lakeport, which also shows the NRHP status codes for each property, is attached to this letter.

At the time of Euroamerican contact the Native Americans that lived in the area belonged to the Eastern and Northern Pomo groups. Barrett (1908) notes at least two ethnographic Pomo sites (*boomli* and *kacibodon*) in the City of Lakeport. Native American archaeological sites located in the Clear Lake Basin region of Lake County tend to be situated along the lakeshore, near seasonal and perennial creeks, and near marshland. The City of Lakeport includes these environmental features and has a sensitivity range for Native American resources ranging from low to high.

Review of historical literature and maps on file in this office indicate historic activity in the City of Lakeport. Historic settlement of the area began in 1859 when William Forbes controlled 160 acres. In 1861, Lakeport became the Lake County seat after Forbes ceded 40 acres to the county. The General Land Office (GLO) map shows at least a half-dozen homes and the "Lakeport and Scott's Valley Road" within the modern city limits of Lakeport by 1868. Although no historic-period archaeological resources are recorded within the City of Lakeport, areas of the city are considered highly sensitive for such resources. These resources can include, but are not limited to, historic trash scatters, wells, privies, and non-extant building/structure foundations.

## **RECOMMENDATIONS:**

1) The City of Lakeport includes a range of sensitivities for the presence of Native American and historic-period archaeological resources, ranging from low to high. With this in mind, we recommend that the City of Lakeport have our office or a qualified historical resources consultant review projects on a project specific basis for their impacts to cultural resources.

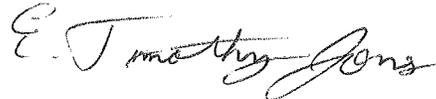
2) Review for possible historic structures has included only those sources listed in the attached bibliography and should not be considered comprehensive. The Office of Historic Preservation has determined that buildings, structures, and objects 45 years or older may be of historical value. If an area of potential effect contains such properties not noted in our research, they should be assessed by an architectural historian before commencement of project activities.

3) If cultural resources are encountered **during a project**, avoid altering the materials and their context until a cultural resource consultant has evaluated the situation. Project personnel should not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

4) Identified cultural resources should be recorded on DPR 523 (A-J) historic resource recordation forms.

Thank you for using our services. Please contact our office if you have any questions, (707) 664-0880.

Sincerely,

A handwritten signature in black ink that reads "E. Timothy Jones". The signature is written in a cursive style with a large, stylized "E" and "J".

E. Timothy Jones  
Researcher II

## LITERATURE REVIEWED

In addition to archaeological maps and site records on file at the Northwest Information Center of the Historic Resources Information System, the following literature was reviewed:

Barrett, S.A.

1908 *The Ethno-Geography of the Pomo and Neighboring Indians*. University of California Publications in American Archaeology and Ethnology 6(1):1-322. University of California Press, Berkeley. (Reprint by Kraus Reprint Corp., New York, 1964.)

Bean, Lowell John and Dorothea Theodoratus

1978 Western Pomo and Northeastern Pomo. In *California*, edited by Robert F. Heizer, pp. 289-305. Handbook of North American Indians, vol. 8, William C. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

Callaghan, Catherine A.

1978 Lake Miwok. In *California*, edited by Robert F. Heizer, pp. 264-273. Handbook of North American Indians, vol. 8, William C. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

Cook, S.F.

1956 *The Aboriginal Population of the North Coast of California*. University of California Anthropological Records 16(3):81-130. Berkeley and Los Angeles.

General Land Office

1868 Survey Plat for Township 14 North/Range 10 West.

Gudde, Erwin G.

1969 *California Place Names: The Origin and Etymology of Current Geographical Names*. Third Edition. University of California Press, Berkeley and Los Angeles.

Hart, James D.

1987 *A Companion to California*. University of California Press, Berkeley and Los Angeles.

Hoover, Mildred Brooke, Hero Eugene Rensch, and Ethel Rensch, revised by William N. Abeloe

1966 *Historic Spots in California*. Third Edition. Stanford University Press, Stanford.

Hoover, Mildred Brooke, Hero Eugene Rensch, and Ethel Rensch, William N. Abeloe, revised by Douglas E. Kyle

1990 *Historic Spots in California*. Fourth Edition. Stanford University Press, Stanford.

Johnson, Patti J.

1978 Patwin. In *California*, edited by Robert F. Heizer, pp. 350-360. Handbook of North American Indians, vol. 8, William C. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

Kroeber, A.L.

1925 *Handbook of the Indians of California*. Bureau of American Ethnology, Bulletin 78, Smithsonian Institution, Washington, D.C. (Reprint by Dover Publications, Inc., New

York, 1976)

1932 *The Patwin and their Neighbors*. University of California Publications in American Archaeology and Ethnology 35(2):15-22. University of California Press, Berkeley. (Reprint by Kraus Reprint Corp., New York, 1965)

McLendon, Sally and Michael L. Lowy

1978 Eastern Pomo and Southeastern Pomo. In *California*, edited by Robert F. Heizer, pp. 306-323. Handbook of North American Indians, vol. 8, William C. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

McClendon, Sally and Robert L. Oswalt

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Roberts, George, and Jan Roberts

1988 *Discover Historic California*. Gem Guides Book Co., Pico Rivera, California.

Sawyer, Jesse O.

1978 Wappo. In *California*, edited by Robert F. Heizer, pp. 256-263. Handbook of North American Indians, vol. 8, William C. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

State of California Department of Parks and Recreation

1976 *California Inventory of Historic Resources*. State of California Department of Parks and Recreation, Sacramento.

State of California Department of Parks and Recreation and Office of Historic Preservation

1988 *Five Views: An Ethnic Sites Survey for California*. State of California Department of Parks and Recreation and Office of Historic Preservation, Sacramento.

State of California Office of Historic Preservation \*\*

2004 *Historic Properties Directory*. Listing by City (through April 2004). State of California Office of Historic Preservation, Sacramento.

Woodbridge, Sally B.

1988 *California Architecture: Historic American Buildings Survey*. Chronicle Books, San Francisco.

Works Progress Administration

1984 *The WPA Guide to California*. Reprint by Pantheon Books, New York. (Originally published as *California: A Guide to the Golden State* in 1939 by Books, Inc., distributed by Hastings House Publishers, New York.)

\*\*Note that the Office of Historic Preservation's *Historic Properties Directory* Includes National Register, State Registered Landmarks, and Historic Points of Interest.