

RESOLUTION NO. 2725 (2019)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION
OF LAKE COUNTY TO INITIATE PROCEEDINGS FOR THE
ANNEXATION OF LAND IN THE SOUTH LAKEPORT AREA**

WHEREAS, the City Council of the City of Lakeport desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, Title 5, commencing with Section 56000 of the California Government Code, for the annexation of unincorporated land into the City; and

WHEREAS, at the time and in the manner provided by law, the City provided notice of the date, time, and place of a public hearing by the Lakeport City Council to initiate these proceedings and a notice of intent to adopt this resolution of application has been given to Lake LAFCo and to each interested and subject agency; and

WHEREAS, the territory proposed to be annexed is inhabited and a map and description of the boundaries of the property are set forth in Exhibits "A" and "B" attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the Sphere of Influence of the City of Lakeport; and

WHEREAS, this proposal is consistent with the Lakeport General Plan and adopted pre-zoning designations; and

WHEREAS, it is desired to provide that all costs incurred to complete the annexation, including but not limited to Lake LAFCo, Lake County, and the State Board of Equalization costs will be borne by the City of Lakeport; and

WHEREAS, the reason(s) for the proposed annexation are as follows:

1. The 136.78-acre South Lakeport Annexation Project area is within Lakeport's adopted Sphere of Influence and will allow for a logical and orderly extension City services and utilities to the annexation area.
2. Presently, there is a need for municipal water services in the annexation area to serve existing development with inadequate water systems and to accommodate future development.
3. The extension of water service to the annexation area will benefit public safety by enabling installation of fire hydrants along South Main Street and Soda Bay Road.
4. The annexation will enable the City to operate the wastewater collection system serving properties in the annexation area and to continue to treat wastewater from the annexation area at the City of Lakeport Municipal Sewer District Wastewater Treatment Facility. The City's contract with the Lake

County Sanitation District for treatment of wastewater from the annexation area expires in 2026.

5. The annexation will allow the City of Lakeport to provide enhanced public utilities, public safety and general government services to an urbanized area that has no other reasonable means of acquiring such services; and

WHEREAS, on February 18, 1997, the City of Lakeport and the County of Lake entered into an "Agreement between the County of Lake and City of Lakeport for Revenue Redistribution Pertaining to the City of Lakeport South Lakeport Reorganization - Phase I" which is attached hereto as Exhibit "C" and by this reference incorporated herein, and which establishes terms for:

1. The exchange of property tax revenue to be made under Section 99 of the Revenue and Taxation Code; and
2. A schedule for the City of Lakeport to reimburse the County of Lake for sales tax loss for a period of seven years following the effective date of the reallocation of sales tax from the County to the City by the State Board of Equalization; and

WHEREAS, on April 21, 2009, the City Council adopted findings of fact and a Statement of Overriding Considerations and certified the Final Environmental Impact Report (EIR) for the City of Lakeport General Plan 2025 (SCH No. 2005102104) and adopted a Mitigation Monitoring and Reporting Program ("2014 EIR Addendum") pursuant to the requirements of the California Environmental Quality Act (CEQA; section 21000 et seq. of the Public Resources Code); and

WHEREAS, on February 17, 2015, the City Council adopted findings of fact, certified an EIR Addendum for the Focused General Plan Update and Rezoning Project, adopted a Mitigation Monitoring and Reporting Program and approved an amendment to the General Plan to reduce the boundaries of the City's Sphere of Influence; and

WHEREAS, an Initial Study and Environmental Checklist for the South Lakeport Annexation Project was prepared pursuant to sections 15153 and 15162 of the CEQA Guidelines which concludes that the Final EIR for the City of Lakeport General Plan 2025 ("2009 EIR") and its the 2014 EIR Addendum are sufficient to serve as the environmental documents for the South Lakeport Annexation Project; and

WHEREAS, the Initial Study and Environmental Checklist for the South Lakeport Annexation Project was circulated for a 45-day public review period as provided in sections 15087, 15105 and 15205 of the CEQA Guidelines and the City has responded to comments received; and

WHEREAS, the City Council has considered the information provided in the Initial Study and Environmental Checklist for the South Lakeport Annexation Project, the Final EIR for the City of Lakeport General Plan 2025, and the EIR Addendum for the Focused General Plan Update and Rezoning Project, comments received during the public review period and responses to those comments, and comments received at a duly noticed public hearing conducted on August 13, 2019.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Lakeport does hereby determine that the Final EIR for the City of Lakeport General Plan 2025 ("2009

EIR") and the EIR Addendum for the Focused General Plan Update and Rezoning Project ("2014 Addendum") are sufficient to serve as the environmental documents for the South Lakeport Annexation Project based on the following findings which are supported by substantial evidence cited in the Initial Study and Environmental Checklist for the South Lakeport Annexation Project:

- Per CEQA Guidelines Section 15153(a), the South Lakeport Annexation Project is essentially the same in terms of environmental impacts as the project described in the 2014 EIR Addendum and the South Lakeport Annexation Project would not result in an increase in the significance of impacts identified in the 2009 EIR or the 2014 EIR Addendum, or in new significant impacts.
- Per CEQA Guidelines Section 15162(a)(1), the proposed South Lakeport Annexation Project does not include changes that would cause a new significant environmental effects or substantially increase the severity of a previously identified significant environmental effect from the 2009 EIR and 2014 EIR Addendum that would require major revisions to the EIR. All environmental effects would be nearly equivalent to or less than the effects previously analyzed in the 2009 EIR and 2014 EIR Addendum.
- Per CEQA Guidelines Section 15162(a)(2), the proposed South Lakeport Annexation Project would not cause a new significant environmental effect or substantially increase the severity of a previously identified significant environmental effect, and there have been no other changes in the circumstances that meet this criterion. There have been no significant changes in the circumstances under which the South Lakeport Annexation Project will be undertaken that were not contemplated and analyzed in the 2009 EIR and 2014 EIR Addendum that would result in new or substantially more severe environmental impacts.
- Per CEQA Guidelines Section 15162(a)(3), there is no new information of substantial importance (which was not known or could not have been known at the time of the application) that identifies: a new significant environmental effect; a substantial increase in the severity of a previously identified significant environmental effect; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the EIR which would substantially reduce one or more significant effects on the environment.

BE IT FURTHER RESOLVED that the City Council of the City of Lakeport hereby adopts a Plan for Services for the proposed South Lakeport Annexation Project attached hereto as Exhibit "D" and by this reference incorporated herein; and

BE IT FURTHER RESOLVED that the City Council of the City of Lakeport has reviewed and approved this Resolution of Application for the South Lakeport Annexation project and hereby requests the Local Agency Formation Commission of Lake County to initiate annexation proceedings for the property as shown on Exhibit A and as described in Exhibit B in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

BE IT FURTHER RESOLVED that the City Manager or the City Manager's designee is authorized to take all necessary and appropriate steps to further the completion of the application and completion of the proposed change of organization.

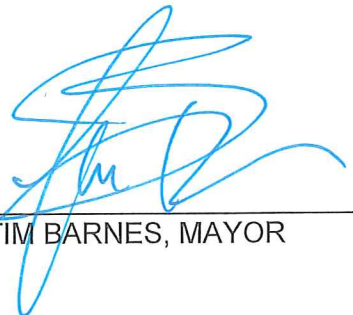
This Resolution was passed by the City Council at a special meeting on August 13, 2019, by the following vote:

AYES: Mayor Barnes, Council Members Mattina, Parlet, Spurr and Turner

NOES: None

ABSTAINING: None

ABSENT: None



TIM BARNES, MAYOR

ATTEST:




KELLY BUENDIA, City Clerk

- Exhibit "A" - Legal Description- Map
- Exhibit "B" - Legal Description- Metes & Bounds
- Exhibit "C" - 1997 Tax Sharing Agreement
- Exhibit "D" - Plan for Services



**THE WITHIN INSTRUMENT
IS A CORRECT COPY
OF THE ORIGINAL
ON FILE IN THIS OFFICE.**

ATTEST:



CITY CLERK / DEPUTY CITY CLERK
STATE OF CALIFORNIA, CITY OF LAKEPORT