

CITY COUNCIL RESOLUTION NO. 2347 (2009)

A RESOLUTION OF THE CITY OF LAKEPORT CITY COUNCIL ADOPTING THE 2025 LAKEPORT GENERAL PLAN

WHEREAS, Section 65300 of the *Government Code* of the State of California authorizes cities to prepare long-range comprehensive guides known as general plans; and

WHEREAS, Section 65361 of the *Government Code* of the State of California limits the amendment of the Lakeport General Plan to not more than four times per year; and

WHEREAS, this Resolution is presented as the first quarter amendment of 2009; and

WHEREAS, the City of Lakeport has been operating under a General Plan adopted in 1992 consisting of General Plan text and maps; and

WHEREAS, the City of Lakeport City Council determined that the existing General Plan had to be revised to bring the document into conformance with State law and to make all the elements internally consistent; and

WHEREAS, the Housing Element was previously adopted by the City Council and shall remain in full force and effect; and

WHEREAS, the City of Lakeport City Council created the General Plan Advisory Committee in March 2003; and

WHEREAS, the City of Lakeport selected Quad Knopf to complete the General Plan Update on January 28, 2004; and

WHEREAS, a background report was completed in September 2004; and

WHEREAS, the City Planning staff subsequently initiated a wide ranging five-year citizen participation program that included community workshops, a public information effort, public workshops and hearings, and other techniques extending beyond the requirements of law; and

WHEREAS, a visioning workshop was held in September 2004 and participants were given the ability to map out their ideas for the future of the of Lakeport; and

WHEREAS, staff presented status reports to both the Planning Commission and City Council beginning March 2004 through October 2006; and

WHEREAS, a joint Planning Commission/City Council hearing was held on June 21, 2005; and

WHEREAS, eleven City Council General Plan Workshops were held prior to the regular City Council Public hearings between March 2006 and October 2006; and

WHEREAS, the City Council held a meeting on February 6, 2007, to consider amendments proposed to accommodate the proposed golf course project; and

WHEREAS, the Planning Commission held a meeting on March 14, 2007, to consider proposed General Plan Amendments; and

WHEREAS, the City Council held a public hearing on the Draft General Plan on June 19, 2007; and

WHEREAS, three community workshops were held on January 25, 2006, December 3, 2008, and December 4, 2008; and

WHEREAS, the City determined that an Environmental Impact Report needed to be prepared for the revision of the General Plan in accordance with the *California Environmental Quality Act of 1970*, as amended, and the City of Lakeport Environmental Guidelines; and

WHEREAS, the Planning Commission and City Council did encourage and accept public input and comments on the proposed Draft General Plan; and

WHEREAS, the City incorporated changes to certain policies and amended other portions of the Draft General Plan as a result of the public input and comments that were received; and

WHEREAS, the Planning Commission is responsible for reviewing updates to the General Plan and Map and forwarding a recommendation to the City Council on the adoption or adoption with modifications of the General Plan and Map; and

WHEREAS, the 2025 General Plan will supersede and replace the existing General Plan text and map; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2009, recommended adoption of the revised General Plan with a vote of 4-0 (one member absent); and

NOW, THEREFORE, BE IT RESOLVED THAT the Lakeport City Council hereby adopts the Lakeport General Plan, including text and Land Use Map, as presented and amended at the Planning Commission Public Hearing on February 25, 2009, and at the City Council Public Hearing on March 24, 2009.

BE IT FURTHER RESOLVED THAT the findings in support of the amendment of the General Plan are as follows:

1. The proposed General Plan contains a thorough and adequate treatment of land use, economic, environmental, and development issues within the realm of the planning period. The General Plan contains Land Use, Urban Boundary, Transportation, Community Design, Economic Development, Conservation, Open Space, Parks and Recreation, Noise, Safety, and Housing Elements.

2. The proposed General Plan is internally consistent and would not be detrimental to the public interest, health, safety, convenience, and welfare of the City.

3. The proposed General Plan encourages appropriate land uses, preservation of neighborhood character and natural resources, infill of vacant land area, new multi-family residential development, provision of urban services and utilities, pedestrian facilities and enhancement of the property tax base.

4. The proposed General Plan includes a wide variety of objectives, policies, and implementing programs designed to enhance the public, health, safety and welfare, including the Safety Element which addresses soil limitations, flood hazard, potable water supplies, emergency preparedness, fire protection, and police protection. The Plan further protects the public health by limiting development in areas incapable of sustaining it without irreversible damage to the environment; specifically the Plan protects wetland and riparian areas, oak woodland environments, and reduces the potential for land sliding, seismic hazards, visual impacts, and habitat damage by limiting development in certain areas as necessary.

5. The City Council declares that, having reduced the adverse significant environmental effects of the Lakeport General Plan to the extent feasible by adopting the mitigation measures in the Final EIR, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, the City Council has determined that the environmental, economic and social benefits of the Project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the Statement of Overriding Considerations (Exhibit A).

6. The proposed General Plan addresses the issue of Global Warming and contains numerous policies designed to reduce the impact of future development on climate change.

7. The proposed General Plan amendment has been processed in accordance with the California Government Code, and the City has prepared a Final Environmental Impact Report in accordance with the provisions of the California Environmental Quality Act.

DULY AND REGULARLY ADOPTED this 21st day of April, 2009, by the following vote:

AYES: Council Members Parmentier, Rumpfelt, and Irwin and Mayor Bertsch
NOES: Council Member Lyons
ABSTAINING: None
ABSENT: None



RONALD BERTSCH, Mayor

ATTEST:

APPROVED AS TO FORM:



JANEL M. CHAPMAN, City Clerk



STEVEN J. BROOKES, City Attorney

EXHIBIT A

STATEMENT OF OVERRIDING CONSIDERATIONS, FACTS AND FINDINGS IN SUPPORT THEREOF FOR THE LAKEPORT GENERAL PLAN UPDATE

California Environmental Quality Act

Statement of Overriding Considerations for the City of Lakeport 2009-2025 General Plan Update

A. Introduction

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines provide that:

“CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable adverse risks in determining whether to approve a project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse impacts may be considered acceptable.

Where the decisions of the public agency allows the occurrence of significant effects which are identified in the Final Environmental Impact Report (EIR) but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes the finding under Section 15091 (a)(2) or (a)(3).

If an agency makes a statement of overriding considerations, that statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.” (Section 15093 of the State CEQA Guidelines)

Pursuant to these Guidelines, and to the extent that any impacts from adoption of the General Plan (the “Project”) are significant and have not been mitigated to a level of insignificance, the City of Lakeport adopts and makes the following Statement of Overriding Considerations regarding the potential unavoidable significant environmental impacts of the Project and the anticipated economic, social, and other benefits or considerations of the project.

B. General

The City of Lakeport finds that, to the extent that any impacts (including, without limitation, any cumulative impacts) attributable to the Project remain unmitigated or are considered to be unavoidable, such impacts are acceptable in light of the overriding social, economic, and other benefits or considerations described herein.

The City of Lakeport also finds that the Project alternatives that would avoid or further mitigate the environmental effects identified by the environmental documentation in the record are infeasible or undesirable with respect to the Project. Such alternatives would impose limitations and restrictions on the growth of the City, which the City finds would prohibit or limit obtaining the specific social, economic, and other benefits or considerations of the Project.

C. Significant Environmental Impacts of the Project Which Cannot Be Mitigated to a Level of Insignificance

The project may have significant or certain substantial impacts on the environment which cannot be fully mitigated or avoided. These impacts are identified in the Final EIR. All of the impacts associated with the proposed project, with the exception of significant impacts referenced herein, have been reduced to the extent considered feasible and have been reduced through the incorporation of mitigation measures. The

significant or certain substantial adverse impacts identified herein also have been mitigated to the extent feasible; however, these impacts cannot be fully avoided to a level of less than significant.

The significant environmental impacts of the proposed project which cannot be avoided or mitigated to a level of insignificance as identified in the Final EIR are as follows:

Population and Housing

- Adoption and implementation of the General Plan update will add approximately 600 acres of vacant land, designated as a Specific Plan Area, to the City of Lakeport's proposed Sphere of Influence. Future development in accordance with the updated general plan would add approximately 2,832 new residents to the city. This proposed expansion of the Sphere of Influence is growth inducing.

Transportation/Traffic

- Adoption of the proposed General Plan will result in additional traffic that could result in LOS D, E, or F conditions on various city streets if identified improvements are not constructed. Since funding mechanisms cannot be guaranteed at this time, there remains uncertainty regarding whether or not these improvements will be constructed in a timely manner.

D. Social, Economic and Other Considerations

The City has determined that the unavoidable impacts of the proposed project are acceptable when balanced against the benefits of the project. The following benefits are found to outweigh and make acceptable the unavoidable adverse impacts of the proposed project as described in the Final EIR and the Statement of Facts:

- The project will encourage sustained economic growth recognizing the importance of economic generators, job generators and a balance between jobs and housing.
- The project will provide for a fiscally sound city with an emphasis on sales tax.
- The project will provide a variety of housing types conducive to all socio-economic sectors of the community and will help the City satisfy its regional housing needs.
- The project will encourage economic growth within the City's industrial areas.
- The project will provide for orderly, contiguous growth and discourage leap-frog development.
- The project will provide for the systematic, continual upgrade and improvement of City infrastructure.
- The project will maximize open space and recreational opportunities for Lakeport's residents and visitors.
- The project will reduce the impact of greenhouse gas emissions.
- The project will reduce the impact of storm water runoff and improve water quality.

E. Additional Overriding Considerations

Following is a summary of each of the significant unavoidable impacts of the Project and a description of the overriding considerations for each of the unavoidable, significant impacts.

1. Population and Housing

Significant Unavoidable Adverse Impact and Cumulative Impact

Development in the Specific Plan Area in accordance with the updated General Plan would increase the population in the planning area.

Overriding Considerations

Projected growth within the area designated as the Specific Plan Area could result in approximately 1,200 additional units compared with 837 additional units within the city limits. This represents a significant increase in population beyond what has previously been anticipated. While it is not possible to mitigate this impact to a level of insignificance, approval of the proposed General Plan and adoption of the recommended mitigation measures would provide positive local action in regard to this issue. Policies which serve to mitigate this impact include General Plan policies that serve to promote the development of new residential development that compliments the existing character and rural nature of Lakeport, ensure the adequate provision of commercial land to meet existing and anticipated community needs while respecting the character and small town charm of Lakeport, provide for sufficient commercial to support the local employment base, generate revenue for the city and compliment the existing land uses in Lakeport, developing a long-term strategy to provide potable water, ensure adequate wastewater treatment capacity, maintain an adequate storm drain system, and ensure that an adequate and diverse supply of quality human care facilities and services is available.

Development of the Specific Plan area will not occur immediately. The General Plan is intended to provide enough land for development over the next 20 years. It is likely that a substantial amount of land within the future growth areas will remain in their current use.

Conclusion

Based upon the previously described social, economic, and other benefits or consideration of the Project and the additional overriding considerations described above, the benefits of the proposed Project outweigh the impact related to population and housing and any adverse environmental effects associated with this impact are considered to be acceptable.

2. Transportation/Traffic

Significant Unavoidable Adverse and Cumulative Impact

Buildout of the Lakeport General Plan will result in LOS D, E, or F conditions on various city streets.

Overriding Considerations

The Transportation Element of the Lakeport General Plan suggests that these streets will be widened and otherwise improved as development occurs. General Plan Policy T 1.1 requires the City to implement 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 need to update its traffic impact/road fee program to include the costs associated with improvements in those locations where fronting development is not expected to fully fund needed improvements.

General Plan Policy T 18.1 requires that all new development within the city pays its fair share of planned roadway improvements such as the improvements proposed for these roadway segments. Program T 18.1a suggests the adoption and implementation of a City-Wide Traffic Mitigation Fee program to better coordinate the payment of this fair share.

Conclusion

Based upon the previously described social, economic, and other benefits or other considerations of the project and the additional overriding considerations described above, the benefits of the proposed project outweigh the impact related to air quality and any adverse environmental effects associated with this impact are considered to be acceptable.