

**LAKE  
LOCAL AGENCY FORMATION COMMISSION  
Application Form for Changes of Organization**

-- LAFCO use only --

AGENCY-PROJECT	SHORT FORM DESIGNATION

-- To be completed by applicant --

Use supplemental pages as necessary, and reference all attachments on the attachment list

**1. Subject Property**

PROJECT TITLE: <b>South Lakeport Annexation Project</b>		ADDRESS OR LOCATION: <b>136.78 acres of land located south of the existing city limits, adjacent to South Main St. and Soda Bay Rd, east of State Route 29.</b>
ACREAGE: <b>136.78</b>	PARCEL NO.: <b>See list in Attachment D</b>	

**2. Proposal**

Applicants request the following change of organization: **Annexation to the City of Lakeport of approximately 136.78 acres of land (50 parcels plus public rights-of-way).**

**3. Applicants**

LAFCO will send copies of the staff report on the proposal to the following (maximum of 3):

NAME: <b>Kevin Ingram, Community Development Director</b>	PHONE: <b>707-263-5615</b>
ADDRESS: <b>225 Park Street, Lakeport, CA 95453</b>	
EMAIL: <b>Kingram@cityoflakeport.com</b>	
NAME: <b>David Ruderman, City Attorney</b>	PHONE: <b>530-798-2417</b>
ADDRESS: <b>Colantuano, Highsmith &amp; Whatley, PC - 420 Sierra College Drive, Suite 140, Grass Valley, CA 95945</b>	
EMAIL: <b>Druderman@chwlaw.us</b>	
NAME: <b>Linda Ruffing, Planning Consultant</b>	PHONE: <b>707-272-2343</b>
ADDRESS: <b>North Coast Community Planning - 310 S. Harold Street, Fort Bragg, CA 95437</b>	
EMAIL: <b>Linda@nccplanning.com</b>	

**4. Authority to File Application**

- Petition of landowners or registered voters     Resolution of Application of an affected agency

Certified copies of the Petition or Resolution of Application are included as Attachment **A**.

Petitions and Resolutions of Application must meet certain legal requirements. The Application Instructions include samples for applicant use.

### 5. Statement of Justification

Provide a Statement of Justification for and explain the purpose of each request for change of organization. Include in the statement reasons why the proposal is more effective than the present organization and/or what services to the area are to be enhanced by the project. If any terms or conditions are proposed for this project, include them in the statement.

A Statement of Justification for this proposal is included as Attachment **B**.

### 6. Boundaries

- a. An 8.5 x 11 map of the subject territory meeting the specifications listed in the Application Instructions is included as Attachment **C**.
- b. A geographic description of the boundaries of the subject territory meeting the specifications listed in the Application Instructions is included as Attachment **D**.
- c. Describe how the boundaries of this proposal were determined. **The boundary represents a logical and orderly extension of the Lakeport City limits consistent with the Lakeport General Plan Land Use Element and the adopted Sphere of Influence for the City of Lakeport.**
- d. This proposal  **is** (check one) consistent with the sphere of influence of all the affected agencies. (If you are not sure of each agency's sphere boundaries, check with LAFCO staff.)
- e. Describe access to the area. **Access to the annexation area is available from South Main Street and Soda Bay Road. The road corridor traverses the annexation area on a north-south axis. Access is also provided via State Route 175 which intersects with South Main Street near its midpoint in the annexation area.**

### 7. Neighboring Properties

- a. A Public Notice List meeting the specifications listed in the Application Instructions is included as Attachment **E**.
- b. Have surrounding property owners been canvassed for participation in the proposal? **The City sent informational mailings to property owners, businesses and residents and conducted door-to-door canvassing on July 15 and 16, 2019 to provide information and respond to questions. A Town Hall meeting is planned in late August and a community sentiment survey will be conducted shortly thereafter.**

Results of any survey of surrounding property owners are included as Attachment **F**. **Results of the survey will be submitted to LAFCO under separate cover, as soon as available.**

### 8. Land Use

- a. Describe existing land use within the subject property. **The area is developed with a mix of commercial, light industrial and residential uses, along with a few vacant properties.**
- b. Describe the land use surrounding the subject property:

North

**The City of Lakeport is located north of the annexation area. Adjacent lands within the city limits are developed with a mix of commercial and light industrial uses similar to**

those in the annexation area.

South

To the south of the annexation area along Soda Bay Road, there are a handful of properties developed with industrial and commercial uses, including a cement plant, storage units, and a solid waste transfer station. There are also agricultural parcels and scattered residences.

East

To the east of the annexation area is undeveloped agricultural land, most of which is in a designated flood hazard area.

West

To the west of the annexation area is State Route 29 and its associated right-of way.

- c. What is the General Plan designation for the subject property? The Lake County General Plan designates the annexation area as Cc, Community Commercial and Cs, Service Commercial.

- d. What are the General Plan Designations surrounding the subject property?

North

MR, Major Retail (City of Lakeport General Plan)

South

I, Industrial; A, Agriculture (Lake County General Plan)

East

A, Agriculture; RC, Resource Conservation (Lake County General Plan)

West

O, Office Space; MR, Major Retail (City of Lakeport General Plan); LDR, Low Density Residential; RR, Rural Residential (Lake County General Plan)

- e. What is the zoning designation (include combining districts, if applicable) for the subject property? C3, Service Commercial, with the exception of parcels located immediately north and south of State Route 175 (APN 005-035-10 and 082-092-01) which are designated CH, Highway Commercial, and APN 008-003-04 which has two zoning designations (C2, Community Commercial), on the westerly portion bordering Main Street and C3, Service Commercial on the easterly portion) (Lake County Zoning Map).

- f. What are the Zoning Designations surrounding the subject property?

North

C3, Service Commercial; C2, Major Retail (City of Lakeport Zoning Map)

South

M2, Heavy Industrial (Lake County Zoning Map)

East

APZ, Agricultural Preserve; A, Agricultural (Lake County Zoning Map)

West

PO, Professional Office (City of Lakeport Zoning Map); RR, Rural Residential; SR,

**Suburban Residential (Lake County Zoning Map)**

- g. Have any zoning changes, General Plan amendments, subdivision maps, or conditional use permits been applied for on the subject property? **The City of Lakeport updated its Sphere of Influence and completed a General Plan amendment and pre-zoning in 2015 to establish the current boundaries of the SOI. At that time, a General Plan amendment was adopted and pre-zoning designations of Major Retail (C2) and Industrial (I) were assigned to the South Lakeport Annexation Area.**

Copies of any such maps and/or applications or entitlements are included as Attachment **F**.

- h. Will any entitlement applications be made after approval of this proposal? **No**.  
If yes, please explain. \_\_\_\_\_
- i. If this proposal is for an annexation to a city, a pre-zone map and adopted city resolution are included as Attachment **G**.
- j. Does the project involve agricultural or open space lands? **No**.
- k. Flood Zone Designation? **Most of the annexation area is in Zone X; eastern portions of parcels on east side of Main Street/Soda Bay Rd are in Zone AO and Zone AE (along unnamed drainage and Manning Creek).**

**9. Public Services**

- a. Please indicate which agencies presently provide public services to the subject territory, and which are proposed to provide service. If you are uncertain, you may leave spaces blank.

<i>Service</i>	<i>Present Provider</i>	<i>Proposed Provider</i>
Fire Protection	Lakeport Fire Protection District	Same
Police Protection	Lake County Sheriff	Lakeport Police
Domestic Water Service	None	City of Lakeport
Agricultural Water Service	None	None
Sewer Service	LACOSAN (collection)/City of Lakeport (treatment)	City of Lakeport
Solid Waste	Lake County Waste Solutions	Lakeport Disposal
Road/Street Maintenance	County of Lake	City of Lakeport
Snow Removal	County of Lake	City of Lakeport
Power	PG&E	Same
Street Lighting	County of Lake	City of Lakeport
Planning & Zoning Authority	County of Lake	City of Lakeport
Schools	Lakeport Unified School District	Same

- b. What effect will approval of this proposal have on the type or level of services *within* the subject property? **See Attachment B, Statement of Justification and Attachment H, Plan for Services.**
- c. What effect will approval of this proposal have on public services *outside* the subject property? **This annexation will result in less territory for the Lake County Sheriff's Office to patrol.**

fewer roads for the County to maintain, and fewer permit applications for the County to process. By reducing demands on County services, the annexation will allow the service capacity currently used within the annexation area to be made available to unincorporated areas outside of the annexation area. The annexation will transfer responsibility for wastewater collection within the annexation area from the Lake County Sanitation District (LACOSAN) to the City of Lakeport, shrinking the size of LACOSAN's service area boundaries. A portion of LACOSAN's wastewater system serving areas south of the City of Lakeport is located beyond the boundaries of the annexation area.

- d. Will approval of this proposal place additional burdens on a public service provider? If so, what revenue will the change in organization generate to compensate the provider for the additional services? See Attachment I, Fiscal Impact Study for analysis of service costs following annexation and projected revenues to offset those costs.
- e. Have the affected agencies been notified of this proposal (per G.C. 56654 (b))? Yes.  
A list of agencies who have received notification is included as Attachment J.

## 10. Population

Estimate whether the subject territory contains:

- 12 or more registered voters.      \_\_\_ Less than 12 registered voters.

The Lake County Registrar of Voters identified 18 registered voters in the annexation area. During the City's door-to-door canvassing, City staff was informed that some of the identified voters no longer reside in the annexation area.

## 11. Property Tax Exchange

An agreement for property tax exchange (if relevant) must be in place prior to LAFCO considering this change of organization. The Tax and Revenue Code requires negotiation of such an agreement to be completed within up to 90 days of initiation or in compliance 99b of the Revenue and Taxation Code, or the LAFCO application proceeding will be considered terminated. To assure satisfaction of this requirement, LAFCO requires applications to be accompanied by documentation that property tax negotiations have been completed.

- a. If this application includes a Resolution of Application, does the Resolution include or reference documentation that the agencies are in agreement with regards to a Tax Exchange Agreement? A tax exchange agreement is in place and is referenced in the Resolution of Application. The City of Lakeport and the County of Lake entered into a tax exchange agreement regarding the South Lakeport Annexation project on February 18, 1997. Per section 4.1, the agreement "shall remain in effect, unless terminated by mutual agreement of the parties or by an uncured breach by one of the parties [...]." The agreement has not been terminated and remains in effect.

See Attachment K - "Agreement between the County of Lake and City of Lakeport for Revenue Redistribution Pertaining to the City of Lakeport South Lakeport Reorganization - Phase I."

- b. If this application includes a petition, documentation of applicants' request that the affected agencies initiate tax exchange negotiations is included as Attachment N/A.

## 12. Feasibility of Proposal

- a. What revenue will this proposal require for the accomplishment of its goals and what are the prospective sources of such revenues? See Attachment I, Fiscal Impact Study. The Fiscal

**Impact Study identifies property tax revenues and sales taxes associated with the project. Property tax rates would not change. The City of Lakeport has enacted two special sales tax measures which will add a total of 1.5% to the sales tax rate collected by businesses in the annexation area.**

If the proposal involves a granting of an additional service, consolidation, incorporation, or formation, a 5 - year projected budget is included as Attachment **N/A.**

- b. Is a new tax or assessment being proposed as a part of this project? **No.**

If so, a thorough discussion of how the service will utilize the tax or assessment, as well as the legal authority for the agency to utilize the tax or assessment is included as Attachment **N/A.**

- c. Have agreements to mitigate the financial effects of this proposal been established with present service providers? **Yes. The City of Lakeport and the County of Lake have entered into three agreements pertaining to the annexation:**

**1. "Agreement between the County of Lake and City of Lakeport for Revenue Redistribution Pertaining to the City of Lakeport South Lakeport Reorganization - Phase I" (02/18/97). This agreement provides for the allocation of property tax revenues and sharing of sales tax revenues upon annexation by the City.**

**2. "Pre-Annexation Agreement Regarding Proposed Underground Utility District and Possible Road Improvements in the South Lakeport Area of the County of Lake (04/17/01). This agreement pertains to the City sharing of County costs and expenses relating to undergrounding of utilities and road improvements in the annexation area. Per section 1 of this agreement, it is applicable if the City files an application to annex any portion of the South Lakeport Annexation area within six (6) years of the date of the agreement (i.e., 04/17/07).**

**3. "Pre-Annexation Agreement Regarding Sales Tax Allocations in the South Lakeport Area of the County of Lake" (2/26/02). Section 3 of this agreement provides that, if the City annexes the subject area within ten (10) years of the date of the agreement (i.e., 2/26/12) and if the County has either constructed or committed irrevocably to construct undergrounding of utilities and road improvements in the annexation area, County and City will enter into a sales tax sharing agreement in exchange for the County undertaking the construction of the utility and road improvements.**

If so, signed copies of these agreements are included as Attachment **K.**

### **13. Environmental Compliance**

- a. Is the applicant agency acting as  **Lead Agency** or  **Responsible Agency** (*check one*) for purposes of California Environmental Quality Act (CEQA) compliance?

- i. Indicate what the Lead Agency has done to comply with the requirements of CEQA.

Categorical Exemption from CEQA

Negative Declaration

Environmental Impact Report & Addendum  Other (*please specify*):

**The City prepared an Initial Study/Environmental Checklist for the South Lakeport Annexation Project which concluded that, per CEQA Guidelines Section 15153(b)(1) and Section 15162(a), the Environmental Impact Report that was prepared for the City of Lakeport General Plan 2025 (State Clearinghouse Number 2005102104) and the Addendum to the Lakeport General Plan 2025 EIR that was prepared for the 2015 General Plan amendment updating the Lakeport Sphere of Influence are sufficient to**

**serve as the environmental documents for the South Lakeport Annexation project. The City Council Resolution of Application (See Attachment A) includes the CEQA determination.**

ii. Copies of the complete environmental documentation prepared by the Lead Agency (including the initial study, any technical reports, and any written comments or recorded public testimony relative to the environmental documents), and a copy of the Notice of Determination, showing the date filed with the County Clerk, are included as Attachment **L**.  
*If you are not sure what constitutes the complete environmental documentation, consult with the appropriate staff at the Lead Agency.*

iii. Was the environmental documentation circulated to the Lake Local Agency Formation Commission prior to adoption by the Lead Agency?  **Yes** \_\_\_\_\_ **No**


If yes, copies of any comments made by LAFCO relative to the project, and any Lead Agency responses are included as Attachment **M**.

*Note for Sphere of Influence Proposals and Updates: Should an agency desire to include more territory within its Sphere of Influence all additional CEQA costs must be paid by that agency prior to the Commission approving the Sphere of Influence Update.*

b. In limited circumstances, LAFCO will act as Lead Agency for CEQA purposes. These circumstances are listed in LAFCO's CEQA Guidelines and include situations where the applicant agency is unable or unwilling to act as Lead Agency.

If the applicant agency has declined to act as Lead Agency, and the applicant wishes LAFCO to assume this responsibility, applicant must Request for LAFCO to Act as Lead Agency.

**14. Disclosure Requirements and Certification.** Pursuant to Government Code Sections 56700.1 and 57009 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and 82015 and 82025 of the Political Reform Act applicants for LAFCO approvals and those opposing such proposals are required to report to LAFCO all political contributions and expenditures with respect to the proposal that exceed \$1,000. LAFCO has adopted policies to implement the law, which are attached to this application (attachment #8 to application instructions). By your signature to this application, you are binding the applicant to abide by these disclosure requirements. You are further agreeing that should LAFCO be required to enforce these requirements against you (or if the agency is the formal applicant, the real party in interest) that you will reimburse LAFCO for all staff cost and legal fees, and litigation expenses incurred in that enforcement process. Applicants request that proceedings as described in this application be taken in accordance with the provisions of Government Code sections 56000 *et seq.* and hereto affix their signatures:

Date	Signature	Printed Name	Title
8/19/19		Margaret Silveira	Lakeport City Manager

**NOTE:**

*Applications will not be accepted without the signature of one or more of the following: 1) the legal owner(s) or official agents with Power of Attorney or written authorization to sign (a copy of which must be attached); 2) Chief Petitioners; 3) Chair of the Legislative Body submitting a Resolution of Application.*

Applicants must also sign and date **Agreement to Pay**; the Application will be considered incomplete until that form is submitted.

Attachment List

Proposal Name **South Lakeport Annexation**  
 Applicant **City of Lakeport**

<i>Attachment Number</i>	<i>Item</i>	<i>Corresponding Question Number</i>
	Cover Letter	
A	Resolution of Application	4, 13(a)
B	Statement of Justification	5
C	8.5 x 11 Map of Subject Territory	6(a)
D	Geographic Description of Boundaries of Subject Territory	1, 6(b)
E	Public Notice List	7(a)
F	Sphere of Influence Map	8(g)
G	Pre-Zoning Map, General Plan Map and Resolution(s)	8(i)
H	Plan for Services	9(b)
I	Fiscal Impact Study	9(d), 12(a)
J	List of Agencies who have received Notification	9(e)
K	Tax Exchange Agreement and Agreements for Cost-Sharing related to Underground Utilities and Road Improvements	11(a), 12(c)
L	Initial Study/Environmental checklist and related CEQA documents	13(a)
M	LAFCO Comments	13(a)
N	Agreement to Pay Form	