

PLANNING COMMISSION RESOLUTION No. 76 (2009)

A RESOLUTION OF THE CITY OF LAKEPORT PLANNING COMMISSION RECOMMENDING CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 2025 LAKEPORT GENERAL PLAN

WHEREAS, the City of Lakeport prepared and circulated a Notice of Preparation on October 25th, 2005 for a 30-day review period ending on November 23rd, 2005; and

WHEREAS, the City of Lakeport prepared a Draft Environmental Impact Report in accordance with State law; and

WHEREAS, on November 4, 2008 said documents were released by the Community Development Department to the public and local and State agencies for review; and

WHEREAS, a public notice was published in the Lake County Record-Bee and mailed to all persons requesting notice of the availability of the Draft EIR and a 45-day review period for commenting on the Draft EIR, and said public review period ended on December 18, 2008; and

WHEREAS, public notices were published in the Lake County Record-Bee and mailed to all persons requesting notice of the date, time, and location of the Planning Commission and City Council public hearings to comment on the updates to the General Plan; and

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

WHEREAS, the Planning Commission also wishes to forward a recommendation to the City Council on the certification of the Final EIR; and

WHEREAS, the Planning Commission finds the Final EIR has been prepared and completed in compliance with the California Environmental Quality Act Statutes and Guidelines; and

WHEREAS, the Planning Commission finds the Final EIR reflects the independent judgment and analysis of the City of Lakeport; and

WHEREAS, the Planning Commission reviewed and considered the information contained in the Final EIR prior to forwarding its recommendation on the updates to the General Plan to the City Council; and

WHEREAS, the Planning Commission finds the Final EIR provides specific economic, legal, social, technological, and other considerations with necessary supporting documentation as to why identified mitigation measures and alternatives are not feasible to reduce the significant and unavoidable impacts to a less than significant level; and

WHEREAS, the Planning Commission finds that the recommended revisions to the General Plan as a result of the public hearing on February 25th, 2009 will not create new environmental impacts, and will not result in more intensive impacts on environmental topics analyzed in the Draft EIR.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LAKEPORT AS FOLLOWS:

Section 1. The Planning Commission hereby finds that the Final EIR has identified and discussed significant effects that will occur as a result of the Lakeport General Plan and update. With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to a less than significant level except for the unavoidable significant impacts as discussed in the Statement of Overriding Considerations (Exhibit A).

Section 2. The Planning Commission declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate, through adoption of all feasible mitigation measures, all potential impacts that may result from the Project.

Section 3. The Planning Commission 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 Planning Commission 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).

Section 4. The Commission hereby recommends the City Council certify the Final Environmental Impact Report for the updates to the General Plan, consisting of the following documents on file with the City of Lakeport City Clerk:

1. The November 2008 Public Review Draft of the General Plan EIR and Technical Appendices.

2. The February 2009 Final EIR of the 2025 General Plan EIR.

PASSED AND ADOPTED by the City of Lakeport Planning Commission on this 25th day of February, 2009 by the following vote:

AYES: Commissioners Spillman, Gaynor, Marino and Kauper

NOES:

ABSTAINING: None

ABSENT: Commissioner Taylor

John Marino, Commission Chair

ATTEST:

Andrew Britton, Planning Commission Secretary

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 Environmental Impact Report

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.