

Resolution No. CC 2022-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE INITIATING ACTION TO AMEND THE CLEARLAKE SPHERE OF INFLUENCE, AMEND THE CLEARLAKE GENERAL PLAN, ADOPT PRE-ZONING DESIGNATION(S), CONDUCT AN ENVIRONMENTAL REVIEW (CEQA – INITIAL STUDY), AND INITIATE LAKE LAFCO PROCEEDINGS FOR THE PURPOSE OF ANNEXING +/- 302.45 ACRES OF LAND LOCATED AT 2050 AND 2122 OGULIN CANYON ROAD, FURTHER DESCRIBED AS ASSESSOR PARCEL NUMBERS (APNS) 010-053-01 AND 010-053-02.

WHEREAS, on *July 21, 2022*, the Clearlake City Council considered input from the property owners of 2050 and 2122 Ogulin Canyon Road requesting annexation to the City of Clearlake. The intent of this request was to ask the City Council to apply to Lake LAFCO for annexation, bringing the land into the Clearlake City Limits, with a Land Use Designation (zoning) of Industrial and/or Mixed Use, and,

WHEREAS, the subject land is +/- 302.45 acres, comprised of two parcels – APN's 010-053-01 (145.8 acres) and APN 010-053-02 (156.6 acres). The land is northeast of the City of Clearlake on Ogulin Canyon Road about one (1) mile east of Hwy 53. The western property line of Parcel APN 010-053-01 is contiguous to the existing Clearlake City Limits and existing Industrial Zoning, and,

WHEREAS, the subject land is within the City of Clearlake Planning Area and Area of Concern (Figures 1.2 and 1.3 of the Clearlake General Plan), but is not within the official Clearlake Sphere of Influence (SOI) and has not been provided with a Clearlake General Plan designation or a Pre-Zoning designation, and,

WHEREAS, for an annexation to move forward, the City of Clearlake must consider and adopt Clearlake General Plan and Pre-Zoning designations for the two parcels. These actions are subject to CEQA environmental requirements, with the City of Clearlake designated as the Lead Agency.

Findings

1. In accordance with the Clearlake General Plan, annexation of the two parcels (APN's 010-053-01 - 145.8 acres and APN 010-053-02 - 156.6 acres) will substantially increase the inventory and supply of land for industrial uses/services and mixed uses in Clearlake.
2. Industrial Zoning provides areas for industrial types of activities including manufacturing, assembly, or packaging products. The City has adopted performance standards to allow for more intense industrial activities and to protect Clearlake residents and the environment.
3. Mixed Use Zoning allows for a mix of residential and nonresidential uses, such as commercial uses, on the same site where mixed-use development would otherwise be optional and is intended to allow greater flexibility of development alternatives in appropriate areas of the City.
4. The Clearlake Zoning Ordinance indicates that mixed-use projects can combine residential with nonresidential uses in the same building or building site area as a means to create an active street life, enhance the vitality of businesses and reduce the need for automobile travel, provide a meaningful blend of residential and nonresidential uses that enhance and build upon the City's commercial base, provide additional housing options for people, including, but not limited to, young professionals and older people who want to live near their workplace and/or near retail

and other nonresidential uses; encourage consolidation of small parcels into viable, block-size mixed-use development in designated areas, ensure on-site compatibility of residential and nonresidential uses, and ensure compatibility of mixed-use projects with surrounding uses and development patterns.

5. Following City approval of the General Plan and Pre-Zoning designations for the subject land, Resolution of application for annexation and amendment of the Clearlake Sphere of Influence will be filed with Lake LAFCO..
6. City staff will meet with the LAKE LAFCO Executive Officer to establish the requirements for processing of the Annexation and Sphere of Influence Amendment, and open negotiations with Lake County to develop a proposed tax sharing agreement.
7. The California Cortese-Knox Act is the framework within which proposed city annexation, incorporation, consolidation, and special district formation are considered. The Cortese-Knox Act establishes the Local Agency Formation Commission (LAFCO) with the authority to review, approve, or deny proposals for boundary changes and incorporation for cities, counties and special districts. LAFCO consists of elected officials from the county, local cities, special districts, and a member of the general public. LAFCO's largest planning task is the establishment of "spheres of influence" for various government bodies within its jurisdictions. A sphere of influence is defined as "a plan for the probable physical boundaries and service area of a local agency as determined by the Commission (LAFCO)".
8. Lake LAFCO, the agency which has jurisdiction over Clearlake, adopted a Clearlake Sphere of Influence (SOI) in 1987 that included approximately 7,310 acres of unincorporated land (Lake LAFCO, 1987). The SOI was later amended. Land uses within the unincorporated area of the SOI are predominately undeveloped, vacant and open lands (Lake LAFCO, 1987). A plan for providing public service and facilities, including police, fire, roads, water, sewer, and administrative services is required to accommodate the area within Clearlake's SOI.
9. The Area Planning Council (APC) created the Lake County 2030 Regional Blueprint Plan. This plan presents a vision through the year 2030. The plan provides a framework for regional planning and coordination of policy on land use, transportation, water, and energy among others. Main principles of the plan include the environment, agriculture, growth and development, economy, public infrastructure, public services, recreational resources, and cultural resources. This helped to set a precedent for the City of Clearlake 2040 General Plan. The Preferred Growth Scenario includes the following themes:
 - Balance between rural and community development
 - Balance between infill and new development
 - Balance between jobs and housing growth
 - Balance in the type of new housing built
 - Balance in the modes of transportation City of Clearlake Plans and Regulations City of Clearlake 2040 General Plan

10. The Clearlake General Plan provides guidance on how land uses should be developed in order to contribute to the overall character of the city. All Cities and Counties are required by the California Government Code to adopt “a comprehensive, long-term plan” (§65300). Each general plan must cover a local jurisdiction’s entire planning area, and address issues associated with a city’s or county’s development. Under State law, the City’s General Plan is the primary document with which a city’s other plans and policies must be consistent.
11. The Clearlake General Plan includes many Goals, Objectives, Policies, and Programs that support annexation, growth, and future land development (bullet points below). The policies and guidance of the Land Use Element, together with the Future Land Use and Growth Plan, will aid the decisions of the Planning Commission and City Council. To ensure the outcomes envisioned and expressed by the General Plan, it is important to follow the guiding principles and policies set forth in the Land Use Element and the remaining elements of the plan. Significant land use decisions are required including those that affect the City’s corporate boundaries (within the City’s Sphere of Influence), such as a determination of consistency of zone change requests, requests for service or infrastructure extensions, review of tentative maps, or amendments to the implementing regulations, among many others (refer to Figure 3.1).

As articulated during the General Plan public participation phase, there was an emphasis to focus growth into nine key growth areas, which became the Preferred Growth Scenario (Refer to Figure 3.2 of the General Plan): • Austin Park • Olympic Drive Corridor (from Austin Park to State Route 53) • Lakeshore Drive Corridor (from Old Highway 53 to Austin Park) • Gateway at State Route 53 intersect with Lakeshore Drive • The Avenues • Regional Shopping Center (Wal-Mart/Airport Area) • Ogulin Canyon Industrial Center (northeastern corner of the City) • Agricultural Area • Southeast Clearlake Specific Plan

The Future Land Use and Growth Plan is an important planning tool for the City to manage the type, pattern, and scale of future development. The plan is to be used to guide decisions relating to zone change requests. The plan will also be used to determine the requisite transportation improvements and capacity requirements for the water and wastewater systems and other public facility and service provisions.

- Objective LU 3.1 Concentrate growth in focus areas.
- Policy LU 3.1.1 Focus strategic residential growth in key areas.
- Objective LU 1.1 – Maintain an appropriate mix of Land Uses.
- Policy LU 1.1.1: The City should grow contiguously to manage the efficiency of public services and municipal infrastructure provision, to maintain a compact and well-defined community form, and to oblige its fiscal responsibility.
- Policy LU 1.1.3: Future development and redevelopment should be planned and implemented with appreciation for the physical environment and natural features of the community and with recognition of potential physical constraints to ensure appropriate siting of various types of development.
- Objective 4.4 - Establish commercial uses that serve isolated neighborhoods.

- Policy 4.4.1: Allow appropriate neighborhood scale commercial uses that better serve residents' daily needs.
 - Program 4.4.1.1: Smaller-scale commercial development shall be accommodated at selected locations within or at the edge of residential neighborhoods to address retail and personal service needs of nearby residents in a convenient and accessible manner, subject to restrictions and performance standards to ensure a compatible character.
 - Goal LU 5 – Compatible Land Uses
 - Objective LU 5.2: Locate commercial development to complement neighboring land uses.
 - Policy LU 5.2.1: Promote expansion of light industrial activity.
 - Program LU 5.2.1.1: Update the zoning map to expand more opportunities for light industrial uses within the Ogulin Canyon Industrial Area.
 - Goal LU 6 - Easy access to daily needs and services
 - Objective LU 6.1 - A vibrant and compatible mix of uses.
 - Policy LU 6.1.1: Residential-serving commercial uses should be in close proximity to residential areas.
 - Objective ED 2.1: Develop a diverse economic base including a range of manufacturing, retail, service, and knowledge-based professional activities.
 - Policy ED 2.1.1: The City should approve development proposals suitable for business districts with specific functional uses including office, commercial, retail, and applicable industry.
 - Program ED 2.1.1.2: The City should allow for light industry and other related compatible uses along State Route 53.
 - Program ED 2.1.1.3: The City should maintain agricultural uses along State Route 53 to cultivate grape growing and wine supporting establishments that generate employment and tourism.
 - Policy ED 2.1.2: The City shall support a healthy mix of businesses.
 - Objective ED 2.3 - Develop an Economic Development Strategy.
 - Policy ED 2.3.1 : The City should evaluate opportunities for business assistance and incentives to attract healthy businesses.
12. The Clearlake Municipal Code (Zoning Ordinance) regulates land use within the City. The purpose of the Zoning Ordinance is to “preserve and promote substantial advancement of legitimate interest of public health, safety and welfare of the City of Clearlake and to facilitate growth and expansion of the City in a precise and orderly manner” (Clearlake Municipal Code). More specifically, the adoption of the Zoning Ordinance is set to achieve the following objectives:
- Assure that the public and private lands are ultimately used for purposes which are appropriate and most beneficial for the citizens of the City while maintaining economically viable uses of these lands.

- Implement goals, policies and map of the General Plan.
 - Assure the appropriate location of community facilities and institutions.
 - Promote a safe, effective traffic circulation system.
 - Require adequate off-street parking and loading facilities.
 - Maintain appropriate setback distances to assure proper spacing between buildings (Clearlake Municipal Code, 1988).
13. The Clearlake Vision Task Force was created to develop a framework to assist in the development of the General Plan. The Report of the Clearlake Vision Task Force was published in 2007. The Clearlake Vision Task Force envisioned specific areas for development. These areas included Highway 53 in the vicinity of Ogulin Canyon and Old Highway 53: The Task Force recommended that this area be developed to serve as an employment center for low intensity, low impact uses that include office or light manufacturing.

NOW THEREFORE, IT IS THE INTENTION OF THE CLEARLAKE CITY COUNCIL TO AMEND THE CLEARLAKE SPHERE OF INFLUENCE, AMEND THE CLEARLAKE GENERAL PLAN, ADOPT PRE-ZONING DESIGNATION(S), CONDUCT CEQA ENVIRONMENTAL REVIEW, AND INITIATE LAKE LAFCO PROCEEDINGS FOR THE PURPOSE OF ANNEXING 302.45 ACRES OF LAND LOCATED AT 2050 AND 2122 OGULIN CANYON ROAD.

CLEARLAKE CITY STAFF IS HEREBY DIRECTED TO:

1. Prepare, consider, and present recommendations to the Clearlake Planning Commission and City Council to adopt a Clearlake General Plan Amendment(s), Sphere of Influence Amendment, Pre-Zoning, and a CEQA Initial Study for the two parcels, and to designate them as Industrial and/or Mixed Use.
2. Following City action on the General Plan, SOI, and Pre-Zoning, prepare and file an application with the Lake LAFCO by Resolution of Application from the City.
3. Prior to filing the annexation application, City staff is directed to take all necessary actions including meeting with the LAFCO Executive Officer to establish the requirements for processing, and meeting with Lake County staff to develop a proposed tax sharing agreement.
4. NOW, THEREFORE, BE IT RESOLVED by the City of Clearlake – City Council of the City of Clearlake is hereby adopted the codes noted above.

PASSED AND ADOPTED ON THIS 1st DAY OF DECEMBER 2022 BY THE FOLLOWING VOTE:

City of Clearlake – Mayor Slooten

ATTEST: _____

City of Clearlake Clerk/Deputy Clerk