



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
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Staff Report Community Development Department

14050 Olympic Drive, Clearlake, CA 95422

Clearlake Planning Commission

Meeting Date: June 20, 2006

PROJECT DESCRIPTION

| | |
|--------------------------------------|---|
| Application: | Major Subdivision SUB-02-05 |
| Proposal: | Approval of Tentative Subdivision Map to subdivide a parcel into 22 lots for single-family residential construction. |
| Location: | 2890 Old Highway 53, Clearlake |
| Assessor Parcel #: | 010-048-08 |
| Existing Use of Site: | Vacant land |
| Parcel Size: | 30.69 acres |
| Zoning: | RR-HS with partial SC overlay |
| General Plan Designation: | Residential |
| Applicant: | Origin Construction, Inc. 1855 N. High Street Lakeport, CA 95453 |
| Owner(s) of Record: | Same as applicant |
| Applicable Regulations/Plans: | Clearlake Municipal Code, Zoning Ordinance, Sections 18-2.6, 18-3.4 and 18-3.8; City of Clearlake Land Division Ordinance Chapter 16; City of Clearlake General Plan: State Subdivision Map Act |
| Environmental Assessment: | This project has been reviewed in accordance with CEQA and the City of Clearlake's Environmental Guidelines, and has been determined to qualify for a Mitigated Negative Declaration. |
| Surrounding Land Use: | Agricultural operation and vineyards to north, State Route 53 and vacant land to east, single-family residences and vacant land to south, single-family residences to west. |

- Attachments:**
- | | | | |
|------------------|----|---------------------------------------|---------------------------|
| 1. Initial | ly | 4. Draft Resolution-Mitiga | tion Negative Declaration |
| 2. Vicinity Map | | 5. Draft Resolution-Major Suodivision | |
| 3. Tentative Map | | 6. Major Subdivision Conditions | |

Project Description: The proposed project is located in the northeastern portion of the City of Clearlake, between State Route 53 and Old Highway 53. The project site is located on a 30.69-acre parcel. The parcel is vacant, with no structures except for fencing along its boundaries. Its topography is flat in the northern section and has a portion of a hill within its southern section. A seasonal stream traverses the northern portion of the parcel.

The applicant proposes a tentative Subdivision Map that would subdivide the parcel into 22 lots, ranging in size from approximately 1.25 acres to 2.20 acres. Most lots would be closer to the minimum size. The lots would allow for the development of single-family residences. Access to the project site would be off Old Highway 53 via two roads ending in cul-de-sacs. The roads would be within a 50-foot right-of-way and have 36 feet width of pavement, in accordance with City standards.

Water lines approximately six inches in diameter would be installed within the right-of-way of the roads and Old Highway 53. The system would connect to an existing eight-inch lateral located near the southwestern corner of the project site. Each proposed lot would have a septic system for wastewater disposal. There is no established storm water drainage system on the project site, except for a drainage ditch along Old Highway 53. The proposed on-site roads would have drainage ditches along both sides. PG&E would provide electricity, and SBC would provide telephone service.

General Plan Consistency: In order to receive approval, this Tentative Map and proposed development must be found consistent with the Clearlake General Plan and the applicable zoning district development standards. This project is consistent with the Residential General Plan designation of the property. It is anticipated that the proposed development would compliment the existing rural residential land uses in this area.

Zoning Consistency: The project is consistent with the Rural Residential zoning classification (RR). The RR classification allows single-family residences by right. The minimum lot size in the RR zone is 1.25 acres. The lots proposed in the Tentative Map comply with this requirement. The Scenic Corridor overlay zone (SC) covers only a portion of the project site. The SC requirements generally would have no impact on the project, other than grading and cut/fill within the overlay area shall be kept to a minimum and shall be prohibited whenever these activities have an adverse impact on the scenic resources of State Route 53. Future residential construction must comply with the requirements of the Housing Standards (HS) combining zone.

ENVIRONMENTAL ANALYSIS

Issues Summary/Discussion

1. **Aesthetics:** The project site contains oak woodland within its southern portion. The City's General Plan encourages the preservation of native trees whenever possible. However, future development on the project site may lead to the removal of some of oak trees. Mitigation measures for the project include the incorporation of existing oaks into the landscape design whenever possible, the preservation of "heritage oaks" (trees approximately 200 years ago) or compensation for their removal, and the preservation of oaks within 100 feet of the State Route 53 centerline or compensation for their removal. In addition, the seasonal creek has a riparian area of oak and willow trees along its bank. The City will require a 40-foot setback from the creek for future construction, to address potential flooding issues as well as biological and aesthetic impacts. The project would introduce lighting in an area that currently has none. However, this lighting would come from residences, and such lighting would be

consistent in character () the lighting from surrounding residences () lighting impacts are not considered significant.

2. **Air Quality:** The Lake County Air Quality Management District reviewed the project, and determined that it would have a low to moderate potential for air quality impacts. The main activities identified as having potential impacts include automobile trips and maintenance of drainage ditches and gravel shoulders. Potential odor impacts identified by the Air District include residential open burning and keeping of large animals. Mitigation would include Codes, Covenants and Restrictions (CC&R's) applicable to the project site that would prohibit such activities.

The Air District stated that grading and construction activities should be performed in a manner that will limit dust emissions. Vegetation removed during site development shall be properly disposed, consistent with applicable regulations. Mitigation measures applicable to construction activities include prohibiting the burning of construction debris, removing daily accumulations of mud and dirt from paved roads, and requiring graded areas be paved, landscaped or hydroseeded.

3. **Biological Resources:** According to a biological survey by Kjeldsen Biological Consulting, no special-status plant or wildlife species occur on the project, and special-status species identified in the area are unlikely to occur on the site for various reasons. The project site is not a wildlife nursery sites. As previously noted, the southern portion of the site contains oak woodland. Mitigation measures would encourage the preservation of native trees or compensate for their loss if preservation is not feasible.

The Kjeldsen survey noted the existence of a riparian corridor along the seasonal creek within the northern portion of the site. A wetland delineation conducted by Golden Bear Biostudies identified the seasonal creek as a potential jurisdictional water of the United States, subject to the Clean Water Act Section 404 permitting process if project work affects the channel. Mitigation for the project would prohibit structures or construction activities within 40 feet of the creek bank, thereby avoiding impacts on the creek and the riparian corridor.

Although mitigation measures would reduce most of the project's impacts on biological resources, the project would not result in a *de minimus* impact on the environment, per California Department of Fish and Game regulations. Therefore, the project applicant shall pay the fee required by the Department of Fish and Game for Negative Declarations on projects.

4. **Cultural Resources:** According to the Northwest Information Center at Sonoma State University, previous cultural resource studies that included the project site concluded the site contained no historic or prehistoric resources. However, the Northwest Information Center noted its review covered Center documents only, and should not be considered comprehensive. It is possible that currently unknown cultural resources could be uncovered during project construction. Mitigation would require evaluation of a find by a qualified archaeologist before work can restart around the site of the find.
5. **Geology and Soils:** PJC and Associates, Inc. conducted a preliminary geological investigation of the project site. The report on the investigation indicated that ground shaking is a potential hazard on the site, given the proximity of active faults in the region. The report recommended that a soil profile Sd and near-source factors Nv and Na of 1.56 and 1.18 respectively be used in seismic design. Mitigation for the project requires adherence to these recommendations. The report did not identify any other seismic hazards, including liquefaction.

The PJC report indicated that the project site has soils with a moderate to high shrink-swell potential. Expansive soils could damage building foundations and supporting infrastructure. The report makes several recommendations to reduce or eliminate the effects of expansive soils. These include the use of concrete piers and the installation of concrete slab mats for on-grade slabs. Mitigation for the project requires adherence to these recommendations.

The property contains a portion of a hill, and development may result in substantial grading and earth moving. Grading plans shall be submitted to and approved by the City of Clearlake Engineering Department, consistent with the City's Grading Ordinance. The project also shall comply with the requirements and conditions of any required permits not granted by the City, such as the National Pollutant Discharge Elimination System (NPDES) General Construction Permit issued by the Regional Water Quality Control Board.

6. **Drainage and Water Quality:** The project will contribute to an increase of impermeable surfacing, which may result in increased water runoff to tributaries leading to Clear Lake, including the seasonal creek and the drainage ditch along Old Highway 53 that discharges into the creek. Drainage plans shall be submitted to and approved by the City of Clearlake Engineering Department, consistent with the City's Grading Ordinance. The project also shall comply with the requirements and conditions of any required permits not granted by the City, such as the NPDES General Construction Permit. Since the project would likely disturb more than one acre of on-site land, the project applicant shall obtain a NPDES General Construction Permit, which shall include preparation of a Storm Water Pollution Prevention Plan and the implementation of Best Management Practices that would reduce water quality impacts.

According to the Federal Emergency Management Agency (FEMA) flood map, the project site is in Zone D, defined as an area in which the flood hazard is undetermined but possible. Although the proposed lots are not in a defined 100-year floodplain the lots adjacent to the seasonal creek could be subject to potential flooding. As mitigation, the project applicant shall prepare and implement a plan to control potential flooding, which may include the construction of structures.

7. **Noise:** This project is located near single-family residences. Some increase in noise levels may occur during the construction phase of project development, which could adversely affect off-site residences. Mitigation will limit construction to daytime hours. Also, there is concern that future residences near State Route 53 could experience noise levels that exceed the maximum interior noise levels allowed by General Plan Policy 2.35 (45 decibels CNEL). Mitigation for the project would require that all residences meet this interior noise level standard and that construction is limited to allowable hours.
8. **Public Services:** The Lake County Fire Protection District would provide fire protection services. The Fire District recommended an additional fire hydrant on Road A between Old Highway 53 and the end of the cul-de-sac. The Fire District also stated that the proposed 24-foot width of the roads would be acceptable for fire vehicle access if no on-street parking were allowed. Mitigation for the project would require the additional hydrant and a CC&R prohibiting on-road parking.
9. **Traffic:** This proposal would result in additional traffic onto Old Highway 53. Based on factors from the Institute of Traffic Engineers' *Trip Generation Manual*, the project would generate approximately 211 vehicle trips. The City Engineer has commented that this section of Old Highway 53 is a collector street, and serves as an alternate entrance to the City. This roadway section currently has a right of way of 50 feet. The City of Clearlake's standards call for 40 to 52 foot curb to curb width for a collector street and a right of way between 56 to 72 feet. Roads A & B as shown on the tentative subdivision map are residential streets. Residential street standards for the City of Clearlake require a 36-foot curb-to-curb width with a 50-foot right of way. In addition to Lighting Assessment requirements, the Clearlake Police Department recommended lighted intersections and turn lanes from Old Highway 53 to the on-site roads. Mitigation for the project incorporates engineering and police recommendations.
10. **Water System:** The project proposes water service by the Highlands Water Company. The company has issued a Notice of Intent to Supply Water letter for the project. However, the project must comply with the company's requirements for connections. In addition, the project applicant must submit site plans to Highlands Water Company for its review, along with a flow analysis to determine

if the existing distribution system can serve the project adequately. Mitigation measures for the project include these conditions.

11. **Wastewater Disposal:** The project proposes the use of individual septic system for each residence for wastewater disposal. The *Soil Survey of Lake County*, prepared by the Soil Conservation Service, indicates the project site has severe constraints on its ability to support the use of septic tanks, due to the slow percolation of the soils. As mitigation, the project applicant shall demonstrate to the satisfaction of the City that proposed septic systems will function satisfactorily. The City shall approve the septic systems design and the applicant shall receive all necessary permits from the City and/or contractual County of Lake County Environmental Health Department in accordance with applicable standards.
12. **Land Use:** The subject property is comprised of one parcel totaling approximately 30.69 acres. The parcel is designated R-R, Community Residential, which is consistent with the use proposed by the project. The project is consistent with existing rural residential uses to the south and west. There is an existing agricultural operation north of the project site. However, the intervening creek and open space area, along with the proposed buffer between the creek and residential development, should provide an adequate buffer between the two areas.

PLAN AND CODE REQUIREMENTS

Applicable Plans:

| | |
|--------------------------------|----------------------------|
| City of Clearlake General Plan | Consistent with conditions |
|--------------------------------|----------------------------|

Applicable Codes:

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|--|----------------------------|
| Clearlake Municipal Code, Chapter XVIII, Zoning Ordinance | Consistent with conditions |
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|--|----------------------------|
| Clearlake Municipal Code, Chapter XVI Land Division Ordinance | Consistent with conditions |
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|--------------------------------|----------------------------|
| California Subdivision Map Act | Consistent with conditions |
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| California Environmental Quality Act (CEQA) and Clearlake Environmental Review Guidelines | Mitigated Negative Declaration recommended |
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RECOMMENDATION

Staff recommends that the Planning Commission adopt resolutions taking the following actions:

- A. Adopt a Mitigated Negative Declaration by resolution based upon Initial Study IS-03-05 for Major Subdivision SUB-02-05 (Burns Valley), with the following findings:
 1. Potential environmental impacts related to traffic and circulation has been mitigated to less than significant levels by parcel map Conditions #33,34,35,36,37,38.
 2. Potential environmental impacts related to public utilities and services have been mitigated to less than significant levels by parcel map Conditions #31,32,39.
 3. Potential environmental impacts related to geology and soils have been mitigated to less than significant levels by parcel map Conditions #17,18,19.

4. Potential environmental impacts related to cultural resources have been mitigated to less than significant levels by parcel map Condition #16.
5. Potential environmental impacts related to biological resources have been mitigated to less than significant levels by parcel map Conditions #14,15.
6. Potential environmental impacts related to aesthetics have been mitigated to less than significant levels by parcel map Conditions #6,7,8.
7. Potential environmental impacts related to hazards and hazardous materials have been mitigated to less than significant levels by parcel map Conditions #20,21,22,23.
8. Potential environmental impacts related to air quality have been mitigated to less than significant levels by parcel map Conditions #9,10,11,12,13.
9. Potential environmental impacts related to hydrology and water quality have been mitigated to less than significant levels by parcel map Conditions #24,25,26,27,28.
10. Potential environmental impacts related to noise have been mitigated to less than significant levels by parcel map Conditions #29,30.
11. This project is consistent with the City of Clearlake General Plan, Zoning Ordinance, and Land Division Ordinance.
12. This project is consistent with the State Subdivision Map Act.
13. Given implementation of the identified mitigation measures and standard conditions of project approval of the City of Clearlake and other pertinent agencies, no significant adverse environmental impacts are anticipated.
14. This project does not qualify for the *de minimis* finding with regard to impacts to fish and wildlife habitat, and therefore is subject to the State Fish and Game filing fee (parcel map Condition #15).

B. Adopt a resolution approving SUB-02-05 (Burns Valley) subject to the conditions listed to Attachment 6 and with the following findings:

1. The property is zoned rural residential.
2. The property is bounded by compatibly zoned property.
3. Similarly, subdivided parcels bound the property.
4. That substantial improvements above and beyond those included as conditions of project approval are not necessary for public health and safety or for the orderly development of the property and the surrounding area.
5. This project is consistent with the City of Clearlake General Plan, Zoning Ordinance and Land Division Ordinance.
6. This project is consistent with the State Subdivision Map Act.
7. As mitigated, this project will not result in any significant adverse environmental impacts and a Mitigated Negative Declaration has been adopted.

Sample Motions:

Adoption of Mitigated Negative Declaration & Major Subdivision Approval

I move that the Planning Commission adopt a resolution of the Planning Commission of the City of Clearlake entitled **“ADOPTION OF A MITIAGED NEGATIVE DECLARATION FOR INITIAL STUDY IS-03-05, PREPARED FOR MAJOR SUBDIVISION SUB-02-05 (BURNS VALLEY), LOCATED AT 2890 OLD HIGHWAY 53, CLEARLAKE; APN 010-048-08 AND”**

I further move that the Planning Commission adopt a resolution of the Planning Commission of the City of Clearlake entitled **“APPROVAL OF MAJOR SUBDIVISION SUB-02-05 (BURNS VALLEY), LOCATED AT 2890 OLD HIGHWAY 53, CLEARLAKE; APN 010-048-08.”**



Angela M. Basch
Interim Community Development Director



Date

NOTE: The applicant or any interested person is reminded an appeal of the Planning Commission decision can be made to the City Council. The Zoning Ordinance provides for a seven (7) calendar day appeal period and the Land Division Ordinance provides for a fifteen (15) calendar day appeal period. The appropriate forms and appeal fee must be submitted prior to 5:00 p.m. on or before the seventh or fifteenth calendar day following the Commission's final determination.



NEGATIVE DECLARATION/ INITIAL ENVIRONMENTAL STUDY

Project Title: BURNS VALLEY SUBDIVISION
CASE NUMBER: SUB-02-05, IS-03-05

Lead Agency Name and Address: City of Clearlake
Community Development Department
14050 Olympic Drive
Clearlake, CA 95422

Project Location: 2890 Old Highway 53
APN: 010-048-08

Project Sponsor's Name and Address: Origin Construction, Inc.
1855 N. High Street
Lakeport, CA 95453

General Plan Designation(s): Residential

Zoning: Rural Residential with Housing Standards combining zone (RR-HS), with Scenic Corridor (SC) combining zone covering portion of site

Contact Person: Terry Farmer, Contract City Planner

Phone Number: 707-994-8201

Date Prepared: April 28, 2006

Public Review Period: May 2, 2006 – May 23, 2006

Project Description: The project site is located in the northeastern portion of the City of Clearlake. It occupies an area between Old Highway 53 and State Route (SR) 53. The project consists of a major subdivision of one parcel, APN 010-048-08, with an area of approximately 30.69 acres. The owner of the parcel is the City of Clearlake Redevelopment Agency. The project proposes to subdivide the parcel into 22 lots, ranging in size from approximately 54,450 square feet (1.25 acres) to 96,081 square feet (2.20 acres). Most lots would be closer to the minimum lot size. The lots would allow for the development of single-family residences.

Access to the project site would be off Old Highway 53 via two roads ending in cul-de-sacs. In accordance with City standards for residential streets, the roads are within a 50-foot right-of-way, of which 36 feet are of paved width. Drainage ditches would be along both sides of these roads. At the intersection of the two roads with Old Highway 53, the project proposes the installation of new culverts.

Water lines approximately six inches in diameter would be installed within the right-of-way of the two roads and along Old Highway 53. This system would connect to an existing eight-inch lateral located near the southwestern corner of the project site. The project proposes that Highlands Water Company provide water service to the project, but the project may not be in the service area. Each proposed lot would have a septic system for wastewater disposal. Pacific Gas and Electric Company (PG&E) would

provide electricity, while SBC would provide telephone service. There is no established drainage system on the project site, other than a drainage ditch along Old Highway 53.

Environmental Setting and Surrounding Land Uses: The City of Clearlake is located approximately 100 miles north of the San Francisco Bay Area, and is situated on the southeast side of Clear Lake, a 43,000-acre natural lake located in the center of Lake County. SR 53 traverses the City of Clearlake in a north/south direction as an expressway, providing a link between State Route 29 to the south and State Route 20 to the north. Most of the City developed along the shores of Clear Lake, west of SR 53. Arterial streets such as Lakeshore Drive and Olympic Drive provide most of the City's traffic movements. These streets serve to connect the City at a central focal point (City Hall), as well as provide a direct link to SR 53.

The project site is currently vacant. A portion of the site has been used for agricultural activities, The northern portion of the site is mostly flat. However, the southern portion of the site contains a portion of a hill, and therefore has gentle slopes. A seasonal creek approximately follows the site's northern boundary. The project site contains moderate clusters of trees in its southern portion. The northern portion is mostly grassland, but riparian vegetation is found along the seasonal creek. A well exists near the southwestern corner of the project site. The project proposes to abandon this well.

SR 53 forms the eastern boundary of the site, while Old Highway 53 forms the western boundary. There are no curb, gutter or sidewalk improvements along the site frontages. A drainage ditch runs along the eastern side of Old Highway 53, while a segment of drainage ditch is on the western side, in front of single-family residences. Poles with power lines run parallel with Old Highway 53 along its east side.

The surrounding land uses include:

- North: Agricultural operation and residence, vineyards
- South: Single-family residences, vacant
- East: Vacant
- West: Single-family residences, orchards

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

- Lake County Air Quality Management District
- North Coast Regional Water Quality Control Board
- City of Clearlake Building Department
- City of Clearlake Public Works Department
- Lake County Fire Protection District
- Lake County Sanitation District

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature _____

Date _____

Planner's Printed Name Terry Farmer, Contract Staff

City of Clearlake Community
Development Department

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of an Environmental Impact Report.

| I. AESTHETICS | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---------------------------|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | | |
| a) | Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) | Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

The project proposes a subdivision for the construction of single-family housing on a parcel that is currently vacant. The site contains oak woodland on the ridge in the southern portion, and a mixture of oak and willow trees along the seasonal creek in the northern portion. The project would lead to the removal of some of the oak trees in the woodland area. Mitigation measures presented below would protect or compensate for the removal of "heritage oaks," defined as large mature trees that are approximately 200 years of age. Section 4 (Biological Resources) contains a mitigation measure regarding the riparian area along the seasonal creek that would preserve the scenic resources of that area.

The SC overlay zone along the eastern edge of the project site seeks to protect scenic resources along SR 53. Construction in the oak woodland could affect scenic resources within the overlay area. While SR 53 is not an officially designated state scenic highway, the SC overlay does seek to protect the scenic qualities of the highway. Mitigation measures presented below would reduce potential impacts on SR 53's scenic resources.

The project would introduce light sources in an area that currently has none. This lighting primarily would be exterior lighting on residences. This lighting would be consistent in character with that of nearby residential land uses, which would be the most sensitive land use to increases in illumination levels. The project proposes no parking lots or other facilities that require substantial lighting. (a, b, c, d)

Mitigation Measures:

1. The project shall incorporate existing oak trees into the landscaping design whenever feasible.
2. The project shall avoid the removal of oak trees within 100 feet of the centerline of State Route 53 whenever feasible. If oak trees must be removed, the project applicant shall plant replacement trees at a ratio of 1.5 trees planted for every one tree removed. The City, in consultation with the project applicant, shall determined the location of planting the

replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every tree or for every inch of dbh that is removed from the project site. The City shall use the funds for the replanting of oak trees at a 1.5:1 ratio at a site determined by the City.

3. The project applicant shall identify heritage oak trees on the final map. If heritage oak trees must be removed, the project applicant shall plant replacement trees at a ratio of two trees planted for every one tree removed. The City, in consultation with the project applicant, shall determine the location of planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every tree or for every inch of dbh that is removed from the project site. The City shall use the funds for the replanting of oak trees at a 2:1 ratio at a site determined by the City.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

The proposed project would allow for the construction of residences on a property zoned for rural residential uses. Although the project site shows evidence of past agricultural use, the site is not zoned for agricultural uses. The Lake County GIS indicates the project site is not in an agricultural preserve.

According to the Lake County Important Farmland Map, prepared by the California Department of Conservation, the project site is designated Farmland of Local Importance and Other Land. No Farmland, as defined in this section, is located on the site. While the project site would receive water service, wastewater service would be entirely by septic systems. Therefore, the project would not extend infrastructure that would encourage the conversion of nearby agricultural areas to non-agricultural uses, either directly or indirectly. (a, b, c)

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion:

The Lake County Air Quality Management District (LCAQMD) reviewed the proposed project. In a comment letter, LCAQMD stated that grading and construction activities should be performed in a manner that will limit dust emissions. Vegetation removed during site development shall be properly disposed, consistent with applicable regulations. LCAQMD prefers chipping of vegetation and the use of chip of material as ground cover in lieu of open burning. However, land development burning is allowed during the burn season, with permits from the local fire agency or from LCAQMD.

LCAQMD stated that the project has a low to moderate potential for air quality impacts. The project increases low-density suburban development that promotes automobile use. Open drainage ditches and gravel shoulders would require annual maintenance through chemical weed control, periodic cleanout with heavy equipment, or open burning. All of these methods have air quality impacts. LCAQMD also noted the lack of provisions promoting alternative modes of transportation. Section 15 (Transportation) discusses this issue.

The primary odor/dust receptors of concern are the occupants of the residences located west and south of the project site. The proposed project will result in short-term impacts associated with construction activities, including grading activities. As noted above, LCAQMD recommends implementing adequate dust suppression methods during grading and construction activities to minimize the generation of fugitive dust. Methods may include the use of palliatives, frequent watering, or other methods approved by LCAQMD. According to LCAQMD's comment letter, activities that could generate odors include the keeping of large animals (e.g., horses) and residential open burning. Mitigation measures would reduce potential odor impacts on adjacent residences. (a, b, c, d, e)

Mitigation Measures:

4. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.
5. The applicant shall secure a grading permit from the Community Development Department, Building Division and shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either paved with concrete or asphaltic concrete, landscaping or erosion control hydroseed mixture.
6. The burning of construction debris is prohibited. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District.
7. During construction activities, the contractor shall remove daily accumulation of mud and dirt on paved roads that serve the project site.
8. The project applicant shall include CC&Rs on the project site, or make a notation on the subdivision map, that prohibit residential open burning and the keeping of large animals within the subdivision, or impose conditions on such activities that minimize their impacts on adjacent on-site and off-site residences.

| 4. BIOLOGICAL RESOURCES | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| 4. BIOLOGICAL RESOURCES | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

Kjeldsen Biological Consulting conducted a biological survey of the project site. This survey included a literature and database review, and a site visit in May 2005. The survey identified no special-status species on the project site. The survey concluded that identified special-status species in the area are unlikely to occur on the project site, given the topography, soil types, historical land, plant associates and the lack of any records of occurrence.

The biological survey noted the existence of a riparian corridor along the seasonal creek traversing the project site. The survey deemed this corridor as a sensitive habitat and a migratory corridor for wildlife, and recommended its protection. According to a wetland delineation conducted by Golden Bear Biostudies in November 2005, the seasonal creek is a jurisdictional water of the United States, as defined by Section 404 of the Clean Water Act. Mitigation would protect this corridor and avoid impacts on the creek that would require a Section 404 permit. No other critical or sensitive habitats were identified, nor any other jurisdictional waters including wetlands.

The project site contains oak woodlands in its southern portion, and oak and willow trees in the riparian corridor. The project could lead to the removal of some of these trees. Mitigation presented below and in Section 1 (Aesthetics) would avoid such impacts or compensate for their occurrence. However, on a cumulative basis, the project will contribute to the overall reduction of natural area habitat, and therefore does not qualify as "de minimus" pursuant to the State Department of Fish and Game regulations.

The biological survey did not identify the project site as a wildlife nursery site, nor did it identify wildlife corridors outside of the seasonal creek and its riparian corridor. No Habitat Conservation Plans, Natural Community Conservation Plans or similar plans apply to the project site. (a, b, c, d, e, f)

Mitigation Measures:

9. No buildings or accessory structures shall be placed within 40 feet of the bank of the seasonal creek. No construction or grading activities, including the placement of equipment and materials, shall occur within 40 feet of the bank of the seasonal creek, except for any flood control facilities that may be installed as part of Mitigation Measure 22. No vegetation within this buffer shall be removed unless it poses a safety hazard to nearby residents.
10. That there is evidence in the record that this project will contribute to cumulative impacts upon fish and wildlife due to a reduction in natural habitat and therefore does not qualify for a de minimus exemption from State Fish and Game fees. The applicant will be responsible for

payment of these fees as authorized by Section 711.4 of the Department of Fish and Game Code.

| 5. CULTURAL RESOURCES | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

The project site is undeveloped, but previously had agricultural uses. According to a comment letter from the Northwest Information Center at Sonoma State University, cultural resource studies from 1992 and 1999 included the project site. Both studies found no historical resources, which include archaeological sites and historic structures. However, the Northwest Information Center noted that its review covered center documents only and should not be considered comprehensive. Currently unknown resources could be uncovered during construction activities, particularly since the City is in an area with identified cultural resources.

The project site contains no known paleontological resources or unique geologic sites. No human remains are likely to be encountered, as the project site has not been known to be used as a burial ground. Section 7050.5 of the California Health and Safety Code outlines procedures to be followed in the event that any human remains are found. (a, b, c, d)

Mitigation Measures:

11. In the event that archaeological remains or artifacts are uncovered during construction activities, work shall be stopped and a qualified archaeologist shall survey the site. The archaeologist shall submit a report with recommendations on the disposition of the site. Disposition may include, but is not limited to, excavation and documentation, capping the site, or leaving the site in an open space area. The recommendations of the archaeologist shall be incorporated in the project.

6. GEOLOGY AND SOILS

Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion:

PJC and Associates, Inc. conducted a preliminary geotechnical investigation of the project site, the results of which were presented in a report dated January 2006. The City of Clearlake is in a seismically active region of California. Several northwest-trending earthquake fault zones exist in close proximity to and within several miles of the site. The table below illustrates the proximity of active faults to the site. A large magnitude accompanied by severe ground shaking could occur on any of these faults during the lifetime of the proposed project. No known active fault traverses the project site, and the site is not within an Alquist-Priolo Earthquake Fault Zone.

| FAULT | DISTANCE (km) | MAX. EARTHQUAKE (Moment Magnitude) | SLIP RATE (mm/yr) |
|------------------|---------------|------------------------------------|-------------------|
| Maacama (north) | 37.0 | 7.1 | 9.0 |
| Collayomi | 18.5 | 6.5 | 0.6 |
| Hunting Creek | 12.0 | 6.9 | 6.0 |
| Bartlett Springs | 3.5 | 7.1 | 6.0 |

The intensity of ground shaking at the site and its impacts on construction would vary, depending on distance from the epicenter, the shock magnitude, the response characteristics of underlying earth materials, and the quality of construction. The geotechnical report recommended that a soil profile Sd and near-source factors Nv and Na of 1.56 and 1.18 respectively should be used in seismic design. All buildings would be subject to the applicable provisions of the Uniform Building Code (UBC) and the California Building Code (CBC) as determined by the Building Division, Community Development Department.

Test pits excavated for the geotechnical report did not encounter loose and saturated granular soils within six feet of the ground surface. Therefore, the report concluded that the liquefaction potential within six feet of the ground surface is low. The report did not identify any lateral spreading or lurching, except along the banks of the seasonal creek. Mitigation measures in Section 4 (Biological Resources) would ensure that on-site buildings would avoid this potential hazard. The potential for landslides at the project site is low, due to low slope inclination and the strength of the geologic materials.

Grading activities associated with the project would loosen soils, exposing them to potential water and wind erosion. This is of particular concern in the southern portion of the site, which contains some slopes. However, mitigation measures described in Section 3 (Air Quality) and Section 8 (Hydrology and Water Quality) would reduce potential erosion problems. With completion of construction and landscaping, the potential erosion hazard on the project site would be minimal. (a, b, c)

The geotechnical report indicates the site has soils with a moderate to high shrink-swell potential. Expansive soils could damage building foundations and supporting infrastructure. The report suggests that the residential structures may be supported on concrete, cast-in-place, drilled piers if raised wood floors are used. Piers should extend below weak soils and fill and go into firm soil and/or bedrock. If the project proposes to use concrete slabs on-grade, these structures may be supported on concrete slab mat foundations. The slabs should be designed to resist the effects of expansive soils. (d)

The geotechnical report did not evaluate the suitability of the project site for septic systems. However, the *Soil Survey of Lake County*, prepared by the Soil Conservation Service, indicates the project site has severe constraints on its ability to support the use of septic tanks or alternative wastewater disposal systems, due to slow percolation. Since the project proposes the use of individual septic systems for each residence, this is a significant issue requiring mitigation. (e)

Mitigation Measures:

12. The proposed development shall be designed and constructed in accordance with the most current applicable Building Codes, including the Uniform Building Code (UBC) and the California Building Code (CBC) as determined by the Building Division of the Community Development Department of the City of Clearlake.
13. Design and construction associated with the project shall adhere to the recommendations made in the Preliminary Geotechnical Investigation prepared by PJC & Associates dated January 19, 2006.
14. Prior to issuance of building permits, the project applicant shall demonstrate to the City Engineer that proposed septic systems shall function satisfactorily. The City Engineer shall

approve septic systems in accordance with applicable standards. Per Clearlake Municipal Code Section 18-5.503, discharge of liquid waste into creeks or ditches is prohibited.

| 7. HAZARDS AND HAZARDOUS MATERIALS | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

The proposed project would not require long-term storage, treatment, disposal, or transport of significant quantities of hazardous materials. Residential uses typically do not require the use of hazardous

materials, with the exception of household and lawn/garden products that are relatively small in quantity and do not generally require special permitting or handling.

An issue of concern is worker and public exposure to hazardous materials during construction. These hazards could result from construction-related fuel spills. Only small quantities of petroleum hydrocarbons and their derivatives (e.g. gasoline, diesel fuels, oils, lubricants, and solvents) required to operate the construction equipment would be stored, used, and handled during project construction. These relatively small quantities associated with the construction would be below reporting requirements for hazardous materials business plans. Mitigation measures would reduce potentially significant impacts to less than significant levels:

The proposed project would not be located on or near a hazardous materials site, based on a review of the California Department of Toxic Substances Control (DTSC) Calsites Database and Cortese List. A Leaking Underground Storage Tank report maintained by the Regional Water Quality Control Board did not list any leaking tanks on the project site. (a, b, c, d)

The project site is not located near a public use airport or an active private airstrip. The project would not interfere with an adopted emergency response or evacuation plan, as roads in the area would remain open. While the project site is undeveloped currently, development would reduce the potential wildfire hazard on the site. The Lake County Fire Protection District, in its comment letter on the project, did not indicate a significant wildfire hazard existed on the site. (e, f, g, h)

Mitigation Measures:

- 15. Equipment fueling and service shall be conducted at a designated location other than the project site, including local gas stations or repair shops.
- 16. Any spills resulting from fueling or hydraulic line breaks will be contained and cleaned up immediately.
- 17. During construction activities, equipment shall be maintained and kept in good operating conditions to reduce the likelihood of line breaks and leakage.
- 18. No refueling or servicing shall be done without absorbent materials (i.e. absorbent pads, mats, socks, pillows, and granules) or drip pans underneath to contain spilled materials.

8. HYDROLOGY AND WATER QUALITY

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

8. HYDROLOGY AND WATER QUALITY

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

Existing absorption rates, drainage patterns and runoff volumes may be affected by this project, because the site presently contains few impervious surfaces. Drainage on the project site tends to flow in a generally northwesterly direction, following site topography. The seasonal creek and the drainage ditch along Old Highway 53 collect this drainage. Future development proposed by the project likely would involve grading that would alter the site topography, thereby altering drainage patterns. However, these patterns would not be altered fundamentally, as drainage to the northwest would continue to occur.

The site does not have any storm water facilities, other than a ditch along Old Highway 53. The project proposes residential buildings along with paved streets. This would increase the amount of impervious surfaces on the site, which in turn would generate greater amounts of runoff after storms. The additional runoff would be limited, as the project proposes large lots that will allow for some percolation, albeit slow. The project proposes the installation of drainage ditches along the two proposed streets. The runoff collected by these ditches would be discharged into the drainage ditch along Old Highway 53, which

eventually discharges into the seasonal creek. Existing and proposed facilities would be adequate to accommodate additional runoff.

The EPA General Permit for Stormwater Release from Construction Sites regulates sites when an acre or more of land is to be disturbed as part of construction activities. The Regional Water Quality Control Board (RWQCB) monitors and implements the National Discharge Elimination System (NPDES) aspects of the General Stormwater Permit on behalf of the EPA in California. Since the project would disturb more than one acre, NPDES permit requirements would apply. The NPDES permit process requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), which identifies pollutants generated by construction activities and describes the Best Management Practices that would be employed to reduce or eliminate contamination of surface waters. The project would not cause erosion or siltation either on-site or off-site after its completion.

The project would not violate nor be inconsistent with Federal, State or local water quality standards and waste discharge requirements, as it would use the City's water supply and individual septic systems. This project would not have a significant impact on ground water supplies or quality, as the project would use no wells. The existing well on the project site would be abandoned in accordance with applicable regulations. Runoff from residential areas contains pesticides, oil, grease, heavy metals, motor vehicle fluids, other organics, and nutrients. Because these pollutants accumulate during the dry summer months, the first major autumn storm can flush a highly concentrated load to receiving waters and catch basins. However, after the "first flush," contaminant concentrations in runoff would be greatly reduced. Residential uses tend to generate less polluted runoff than other land uses, such as large commercial developments and agricultural operations. (a, b, c, d, e, f)

The project site is on Flood Insurance Rate Map No. 06033C0701D, published by the Federal Emergency Management Agency (FEMA) with an effective date of September 30, 2005. According to the FEMA map, the project site is not located within Zone D, defined as an area in which the flood hazard is undetermined but possible. Therefore, the project would not place housing or other structures within a 100-year flood hazard zone. However, given the Zone D status and the presence of the seasonal creek, housing on the flat portion of the project site could experience flooding under particular circumstances. Mitigation measures would reduce the potential flooding hazard in the northern portion of the site. The proposal would not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam, since neither structures are in the area. Additionally, the proposal would not be subject to inundation by seiche, tsunami, or mudflow, as the project site is located over one mile from the shores of Clear Lake and is outside of the seiche inundation Study Zone. (g, h, i, j)

Mitigation Measures:

19. The project applicant shall secure a NPDES General Stormwater Permit for construction activities prior to their start. As part of the NPDES permit process, the project applicant shall prepare a SWPPP that outlines the Best Management Practices (BMPs) to be employed during construction activities to minimize storm water pollution. The SWPPP also shall include Best Construction Practices to be employed in the clearing and grading of the project site and for other scheduled construction activities.
20. Prior to the commencement of any grading activity on-site, the applicant/contractor shall install structural control measures to reduce erosion and retain sedimentation. Measures may include, but are not limited to, stabilization of control entrance, temporary gravel and construction entrance, installation of a temporary gravel construction entrance, and installation of filter fabric fences. These measures shall be listed in the required SWPPP for the project. The applicant shall remove all temporary erosion control facilities upon stabilization of the entire project site, as approved by the City Engineer.
21. During construction, the applicant and the contractor of record shall exercise BMPs, such as daily street sweeping and the placement of erosion control measures on-site, to minimize

storm water pollution. The BMPs shall be listed in the required SWPPP for the project. The contractor shall designate a primary contact person who shall be available to the City of Clearlake in the event of noted storm damage or storm event. Said person shall be responsible for inspection of all erosion control facilities.

- 22. The proposed project shall be constructed in accordance with the Lake County Clean Water Program Storm Water Management Plan.
- 23. Prior to the issuance of building permits, the project applicant shall submit a plan to control potential flooding of residences from the seasonal creek traversing the project site. The flood control plan may include, but is not limited to, the construction of berms or other structures to hold back flood waters. The flood control plan shall provide adequate flood protection in accordance with the standards set forth in the City's Storm Water Drainage Plan, and shall not conflict with its objectives and programs. It also shall include a mechanism to finance any constructed improvements and their maintenance.

9. LAND USE AND PLANNING

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

The proposed project would be constructed within the City of Clearlake, in a predominantly low-density residential area adjacent to agricultural uses. Single-family residences are located south and west of the project site. Therefore, the project would not divide an established community. (a)

The proposed project is consistent with the site's General Plan designation and zoning. Therefore, it would not require any amendments to the City's General Plan or a rezoning. Mitigation measures listed in this Initial Study would reduce potential conflicts the project would have with General Plan policies designed to avoid or mitigate environmental effects. No other applicable land use plans, policies, or regulations by agencies with jurisdiction over the project apply. (b)

As mentioned in Section 4 (Biological Resources), no habitat conservation plans or natural community conservation plans apply to the project site. (c)

10. MINERAL RESOURCES

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

The project site is not in an area containing any known mineral resources. The City's General Plan has not designated the site as a mineral resource area. No mining or other mineral extraction activities occur on the site. The project would not have an impact on mineral resources. (a, b)

11. NOISE

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project result in: | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

Project construction activities would likely lead to increased noise levels for the surrounding area. Noise associated with the project generally would be limited to construction equipment, typically consisting of water trucks, rubber-tired backhoes, trenchers, dump trucks, and other equipment. Potential sensitive receptors are the existing residential units in the area. Construction noise generally is treated differently because it is a temporary source, especially for building construction, which generally lasts during the late spring and through the end of the summer months. Unless the construction noise occurs during period of normal sleep, it is generally considered less than significant. However, in order to avoid potential conflicts, a mitigation limiting the hours of operation/construction will address potential impacts associated with construction noise.

Noise after project completion generally would be generated by traffic. The amount of traffic the project would generate would be relatively low, and therefore would not significantly elevate noise levels in the area. The eastern portion of the project site would be exposed to noise generated by traffic on SR 53. According to information from the Lake County General Plan Background Report, the 60-decibel (60 dB) noise contour of SR 53 extends 149 feet from centerline. General Plan Policy 2.35 states that, within 60 dB CNEL noise contours, residential structures shall be sited and constructed to ensure that interior noise levels do not exceed 45 dB CNEL. Proposed residences on the eastern portion of the project site could be exposed to 60 dB noise levels. Mitigation measures below would reduce potential noise impacts. (a, b, c, d)

As noted in Section 7 (Hazards and Hazardous Materials), there are no public use airports or private airstrips in the area. Therefore, the project would not be exposed to noise from these activities. (e, f)

Mitigation Measures:

- 24. The hours of construction shall be limited to 7:00 A.M to 6:00 P.M. Monday through Friday, and 8:00 A.M. to 4:00 P.M. on Saturday, with no construction to occur on Sundays and holidays.
- 25. Prior to issuance of building permits, the project applicant shall submit to the City an acoustical study demonstrating that proposed residences on the project site would have interior noise levels that do not exceed 45 dB CNEL. All design and construction measures cited in the study that will enable the residences to meet the required interior noise levels shall be incorporated in the project.

12. POPULATION AND HOUSING

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

12. POPULATION AND HOUSING

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| Would the project: | | | | |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

The project proposes a residential development. The addition of residences is associated with population growth. However, the City's General Plan designates the project site as Rural Residential. The General Plan projects population growth it seeks to accommodate based in part on its land use designations in the Land Use Diagram. The project is consistent with the General Plan designation for the site; as such, it would not alter population growth projections used by the General Plan. Moreover, assuming the 2005 California Department of Finance estimate of 2.469 persons per household, the project would generate approximately 54 new residents. This is not considered a substantial population increase.

The project site is vacant, with no residences or other structures. Therefore, no housing units would be lost, and no people would be displaced. (a, b, c)

13. PUBLIC SERVICES

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| Would the project result in: | | | | |
| Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| a) Fire protection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

The Lake County Fire Protection District reviewed the proposal. In its comment letter, the Fire District recommended an additional hydrant on Road A, halfway between Old Highway 53 and the cul-de-sac. It also stated that the proposed 24-foot paved width for the roads would be acceptable if there was no parking on the roads. The Fire District did not indicate that the project would require new or expanded fire protection facilities. Likewise, the Clearlake Police Department and other City departments indicated that no new or expanded facilities would be required for the provision of services to the project site.

The Konocti Unified School District provides public education services to the City and eastern Clear Lake area. As of the current school year, enrollment at the School District consists of 3,208 K-12 students at four elementary schools, one middle school, one high school and alternative programs. In 2004, School District voters passed Measure G, a bond initiative for the repair, modernization and construction of school facilities. As discussed in Section 12 (Population and Housing), the project would attract an estimated 54 residents to the site, some of which likely would be children. Given the small population the project would attract, the number of children from the site likely would be too small to have a significant impact on Konocti Unified School District facilities. The School District had no comment on the project.

The City manages three parks – Redbud Park, Highlands Park and Austin Park. The additional residents the project would attract would place an additional demand on park services. However, given the small population increase, the project is not expected to require additional park facilities. (a, b, c, d, e).

Mitigation Measures:

- 26. Per the recommendation of the Lake County Fire Protection District, the project applicant also shall include an additional fire hydrant on Road A, halfway between Old Highway 53 and the cul-de-sac. The fire hydrant shall comply with applicable City and Fire District standards.
- 27. The project applicant shall include CC&Rs, or make a notation on the subdivision map, that prohibit parking on both sides of the roads extending onto the project site. Signs indicating no street parking shall be posted at appropriate locations on both roads.

14. RECREATION

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

As noted in Section 13 (Public Services), the project could generate an additional demand for park services. It also may place a demand on existing recreational facilities and programs. However, given the small population estimated for the project site, the project is not expected to have a significant impact on existing parks and recreational facilities within the City of Clearlake. The project also would not require the construction or expansion of recreational facilities that may have a physical effect on the environment. (a, b)

15. TRANSPORTATION/TRAFFIC

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

The project site is located in an area with low density of development. State Route 53 and Old Highway 53 border the project site on its east and west, respectively. Access to the project site would be off Old Highway 53, via two roads extending onto the site. The project would contribute to traffic volumes mainly on Old Highway 53, although SR 53 would also experience impacts. Based on factors in the Institute of Transportation Engineers' *Trip Generation Manual*, the project would generate an average daily traffic (ADT) volume of approximately 211 vehicle trips. Comments from the Public Works Department suggested improvements to City standards of the east side of Old Highway 53 adjacent to the project site, including curb, gutter and sidewalk. However, the Public Works Department also stated that Old Highway 53 could be left as it is. Impacts on SR 53 would be minimal, as current traffic on the segment adjacent to the project site is 7,100 ADT. (a, b)

As the project is not located near any airports, the project would have no impact on air traffic patterns. The roads from the project site connect at right angles with Old Highway 53, thereby providing motorists adequate line of sight. However, the Clearlake Police Department recommended lighted intersections, along with turn lanes off Old Highway 53. Mitigation measures below would implement this recommendation. (c, d)

Emergency access to the project site would be adequate, as entryways would be in accordance with City standards. The project would comply with the City's Zoning Ordinance requirement of two spaces per residential dwelling unit. There are no bus lines, bicycle routes or other alternative transportation facilities

in the area, but the project would not impede the installation of such facilities should the need arise for them in the future. (e, f, g)

Mitigation Measures:

- 28. The project applicant shall install turn lanes at the intersections of Old Highway 53 with the two proposed roads onto the project site. Street lights shall illuminate the intersections. These street lights shall be shielded and/or directed so that it does not illuminate adjacent residences.

16. UTILITIES AND SERVICE SYSTEMS

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

Highlands Water Company would provide water to the project site. The water company issued a Notice of Intent to Supply Water letter for the project in June 2005. The letter indicated that project work related to connections must meet conditions and specifications of Highlands Water Company. However, as a special condition, Highlands would require the project applicant to submit site plans for review, along with a flow analysis to determine if the existing distribution system could adequately serve the project. Mitigation measures for the project would include these conditions.

As noted in Section VIII (Hydrology and Water Quality), the project likely would require the construction of storm drainage facilities. Construction of these facilities could have potential environmental impacts, depending on their type and location. Mitigation measures described in the Hydrology and Water Quality section would require submittal of a storm drainage plan that the City would review. (a, b, c, d, e)

Timberline Disposal Service, a private company, provides solid waste collection service to City residents under contract with the City. Service generally can be provided by Timberline as long as collection fees are paid. Lake County operates the Eastlake Sanitary Landfill, located east of the City. As of August 2001, the landfill had approximately 47 percent of its maximum capacity available for disposal of solid waste. While the project would generate solid waste, the additional waste would have little impact on the Eastside Landfill. The proposed project would comply with applicable federal, state and local statutes and regulations related to solid waste, including state recycling requirements. (f, g)

Mitigation Measures:

- 29. Prior to the start of construction, the project applicant shall submit three sets of site plans to Highlands Water Company for review by its engineer and manager. The project applicant also shall submit a flow analysis to Highlands Water Company to determine if the existing distribution system can adequately serve the project.

17. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

| Does the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion:

As discussed in Section 4 (Biological Resources), the project would have no significant impacts on plant and animal species and communities. The project could have impacts on cultural resources that are currently unknown. Mitigation measures described in Section 5 (Cultural Resources) would reduce any potential impact to a level that is less than significant. The project, in conjunction with other development, would add to traffic in the Clearlake area, with related impacts to air quality and noise. However, the impacts of the project on these issues are less than significant, and are not cumulatively considerable. The project could have adverse impacts on humans due to dust emissions, as discussed in Section 3 (Air Quality). There also could be a potential flooding hazard, as described in Section 8 (Hydrology and Water Quality). However, mitigation measures described in these sections would reduce potential impacts to a less than significant level. (a, b, c)

REFERENCES

1. City of Clearlake. City of Clearlake General Plan. Clearlake, Calif. June 1983.
2. City of Clearlake. Clearlake Municipal Code Chapter XVIII - Zoning Regulations. Clearlake, Calif., January 2002.
3. City of Clearlake. Zoning Map.
4. City of Clearlake General Plan Land Use Map.
5. City of Clearlake. Design and Construction Standards. September 1994.
6. Applicant's written statement and application submittal, May 2, 2005.
7. County of Lake. *Lake County General Plan Background Report*. URS and Mintier and Associates, February 2003.
8. Flood Insurance Rate Map 06033C0701D, FEMA, effective date September 30, 2005.
9. U.S. Department of Agriculture, Soil Conservation Service. *Soil Survey of Lake County, California*. May 1989.
10. California Department of Conservation, Farmland Mapping and Monitoring Program. *Lake County Important Farmland 2002* (map). Issued January 2002.
11. California Division of Mines and Geology. *Fault Activity Map of California and Adjacent Areas* (map). Issued 1994.
12. California Department of Toxic Substances Control. Hazardous Waste and Substances Sites List. www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm.
13. Regional Water Quality Control Board, Central Valley Region. *Leaking Underground Storage Tanks-Quarterly Report*. Sacramento, Calif., January 2006.
14. California Integrated Waste Management Board. Solid Waste Information System (SWIS) database. www.ciwmb.ca.gov/SWIS/.
15. California Department of Education. District-level enrollment report, Konocti Unified School District. Dataquest database. <http://data1.cde.ca.gov/dataquest/>.
16. PJC & Associates, Inc. *Preliminary Geotechnical Investigation, Proposed Burns Valley Subdivision, 2890 Old Highway 53, APN 010-048-08, Clearlake, California*. Cotati, Calif., January 19, 2006.
17. Kjeldsen Biological Consulting. *Biological Assessment, Reconnaissance Level, Burns Valley Proposed Parcel Split, Old Highway 53, Clearlake, CA, APN 10-048-08, Lake County*. Santa Rosa, Calif., June 20, 2005.
18. Golden Bear Biostudies. *Wetland Delineation, Pre-Jurisdictional Wetland Determination for the Burns Valley Project, Clearlake, CA*. San Rafael, Calif., November 23, 2005.

Attachment 1

BURNS VALLEY SUBDIVISION

INITIAL STUDY IS-03-05
(Major Subdivision SUB-02-05)

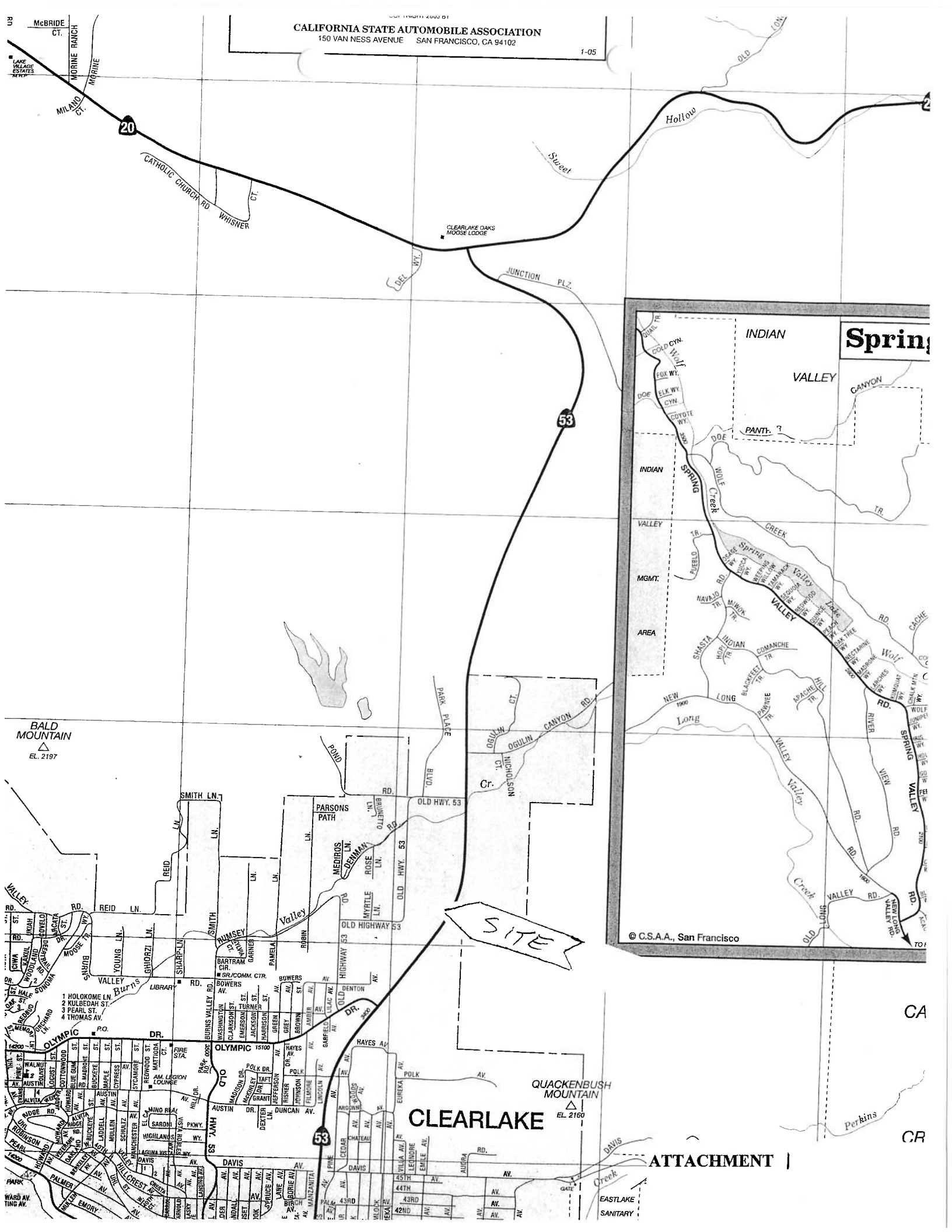
Recommended Mitigation Measures

1. The project shall incorporate existing oak trees into the landscaping design whenever feasible.
2. The project shall avoid the removal of oak trees within 100 feet of the centerline of State Route 53 whenever feasible. If oak trees must be removed, the project applicant shall plant replacement trees at a ratio of 1.5 trees planted for every one tree removed. The City, in consultation with the project applicant, shall determine the location of planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every tree or for every inch of dbh that is removed from the project site. The City shall use the funds for the replanting of oak trees at a 1.5:1 ratio at a site determined by the City.
3. The project applicant shall identify heritage oak trees on the final map. If heritage oak trees must be removed, the project applicant shall plant replacement trees at a ratio of two trees planted for every one tree removed. The City, in consultation with the project applicant, shall determine the location of planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every tree or for every inch of dbh that is removed from the project site. The City shall use the funds for the replanting of oak trees at a 2:1 ratio at a site determined by the City.
4. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.
5. The applicant shall secure a grading permit from the Community Development Department, Building Division and shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either paved with concrete or asphaltic concrete, landscaping or erosion control hydroseed mixture.
6. The burning of construction debris is prohibited. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District.
7. During construction activities, the contractor shall remove daily accumulation of mud and dirt on paved roads that serve the project site.
8. The project applicant shall include CC&Rs on the project site, or make a notation on the subdivision map, that prohibit residential open burning and the keeping of large animals within the

subdivision, or impose conditions on such activities that minimize their impacts on adjacent on-site and off-site residences.

9. No buildings or accessory structures shall be placed within 40 feet of the bank of the seasonal creek. No construction or grading activities, including the placement of equipment and materials, shall occur within 40 feet of the bank of the seasonal creek, except for any flood control facilities that may be installed as part of Mitigation Measure 22. No vegetation within this buffer shall be removed unless it poses a safety hazard to nearby residents.
10. That there is evidence in the record that this project will contribute to cumulative impacts upon fish and wildlife due to a reduction in natural habitat and therefore does not qualify for a de minimus exemption from State Fish and Game fees. The applicant will be responsible for payment of these fees as authorized by Section 711.4 of the Department of Fish and Game Code.
11. In the event that archaeological remains or artifacts are uncovered during construction activities, work shall be stopped and a qualified archaeologist shall survey the site. The archaeologist shall submit a report with recommendations on the disposition of the site. Disposition may include, but is not limited to, excavation and documentation, capping the site, or leaving the site in an open space area. The recommendations of the archaeologist shall be incorporated in the project.
12. The proposed development shall be designed and constructed in accordance with the most current applicable Building Codes, including the Uniform Building Code (UBC) and the California Building Code (CBC) as determined by the Building Division of the Community Development Department of the City of Clearlake.
13. Design and construction associated with the project shall adhere to the recommendations made in the Preliminary Geotechnical Investigation prepared by PJC & Associates dated January 19, 2006.
14. Prior to issuance of building permits, the project applicant shall demonstrate to the City Engineer that proposed septic systems shall function satisfactorily. The City Engineer shall approve septic systems in accordance with applicable standards. Per Clearlake Municipal Code Section 18-5.503, discharge of liquid waste into creeks or ditches is prohibited.
15. Equipment fueling and service shall be conducted at a designated location other than the project site, including local gas stations or repair shops.
16. Any spills resulting from fueling or hydraulic line breaks will be contained and cleaned up immediately.
17. During construction activities, equipment shall be maintained and kept in good operating conditions to reduce the likelihood of line breaks and leakage.
18. No refueling or servicing shall be done without absorbent materials (i.e. absorbent pads, mats, socks, pillows, and granules) or drip pans underneath to contain spilled materials.
19. The project applicant shall secure a NPDES General Stormwater Permit for construction activities prior to their start. As part of the NPDES permit process, the project applicant shall prepare a SWPPP that outlines the Best Management Practices (BMPs) to be employed during construction activities to minimize storm water pollution. The SWPPP also shall include Best Construction Practices to be employed in the clearing and grading of the project site and for other scheduled construction activities.
20. Prior to the commencement of any grading activity on-site, the applicant/contractor shall install structural control measures to reduce erosion and retain sedimentation. Measures may include, but are not limited to, stabilization of control entrance, temporary gravel and construction entrance, installation of a temporary gravel construction entrance, and installation of filter fabric fences. These measures shall be listed in the required SWPPP for the project. The applicant

- shall remove all temporary erosion control facilities upon stabilization of the entire project site, as approved by the City Engineer.
21. During construction, the applicant and the contractor of record shall exercise BMPs, such as daily street sweeping and the placement of erosion control measures on-site, to minimize storm water pollution. The BMPs shall be listed in the required SWPPP for the project. The contractor shall designate a primary contact person who shall be available to the City of Clearlake in the event of noted storm damage or storm event. Said person shall be responsible for inspection of all erosion control facilities.
 22. The proposed project shall be constructed in accordance with the Lake County Clean Water Program Storm Water Management Plan.
 23. Prior to the issuance of building permits, the project applicant shall submit a plan to control potential flooding of residences from the seasonal creek traversing the project site. The flood control plan may include, but is not limited to, the construction of berms or other structures to hold back flood waters. The flood control plan shall provide adequate flood protection in accordance with the standards set forth in the City's Storm Water Drainage Plan, and shall not conflict with its objectives and programs. It also shall include a mechanism to finance any constructed improvements and their maintenance.
 24. The hours of construction shall be limited to 7:00 A.M to 6:00 P.M. Monday through Friday, and 8:00 A.M. to 4:00 P.M. on Saturday, with no construction to occur on Sundays and holidays.
 25. Prior to issuance of building permits, the project applicant shall submit to the City an acoustical study demonstrating that proposed residences on the project site would have interior noise levels that do not exceed 45 dB CNEL. All design and construction measures cited in the study that will enable the residences to meet the required interior noise levels shall be incorporated in the project.
 26. Per the recommendation of the Lake County Fire Protection District, the project applicant also shall include an additional fire hydrant on Road A, halfway between Old Highway 53 and the cul-de-sac. The fire hydrant shall comply with applicable City and Fire District standards.
 27. The project applicant shall include CC&Rs, or make a notation on the subdivision map, that prohibit parking on both sides of the roads extending onto the project site. Signs indicating no street parking shall be posted at appropriate locations on both roads.
 28. The project applicant shall install turn lanes at the intersections of Old Highway 53 with the two proposed roads onto the project site. Street lights shall illuminate the intersections. These street lights shall be shielded and/or directed so that it does not illuminate adjacent residences.
 29. Prior to the start of construction, the project applicant shall submit three sets of site plans to Highlands Water Company for review by its engineer and manager. The project applicant also shall submit a flow analysis to Highlands Water Company to determine if the existing distribution system can adequately serve the project.



20

53

Spring

SITE

CLEARLAKE

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ATTACHMENT |

McBRIDE CT.
MORINE RANCH
MORINE
MILANO CT.

BALD MOUNTAIN
EL. 2197

QUACKENBUSH MOUNTAIN
EL. 2160

- 1 HOLKOME LN
- 2 KULBEDAH ST.
- 3 PEARL ST.
- 4 THOMAS AV.

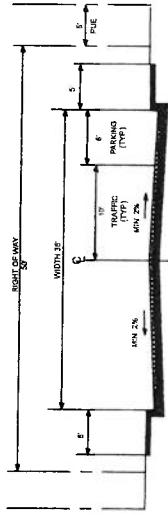
WARD AV.
TING AV.

CA

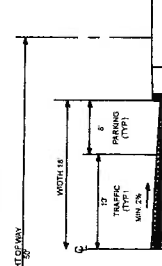
CR

BURNS VALLEY SUBDIVISION 02-05

1/4" NEW ROAD SECTIONS

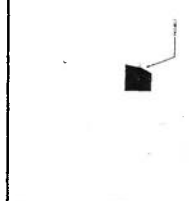


1/4" 12' WIDTH IMPROVEMENT TO OLD HWY. 53



PROJECT INFORMATION:

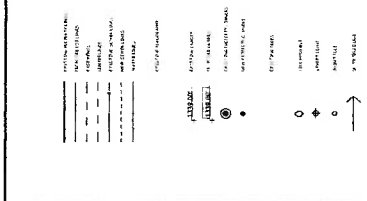
PROJECT NAME : BURNS VALLEY SUBDIVISION
 OWNER : ORSOL CONSTRUCTION INC.
 1825 NORTH HIGH ST.
 LAURELPT CA 95453
 ZONING : RR
 CDD : HANDED DEVELOPMENT BURNS VALLEY
 WATER : HIGHLAND SPRINGS WATER CO
 SEWER : ON-SITE SEPTIC SYSTEMS
 ERECTION : CDD-CLEARANCE/REDEVELOPMENT
 VICINITY MAP:



GENERAL NOTES:

- ROADS A & B WILL BE PUBLIC STREETS WITH AN EASEMENT UNDER PROVISION TO THE CITY OF CLEARLAKE
- IF BURNS VALLEY SUBDIVISION ALONG ALL SIDES AND BEARS LIT LINES AND OF ALL LINES WILL BE PERMANENTLY OPENED FOR DEDICATION TO THE CITY OF CLEARLAKE
- ALL EASEMENTS, IRREVOCABLE OFFERS OF DEDICATION AND NON-DEDICATION SHALL BE SHOWN ON THE FINAL MAP

LEGEND:



REVISIONS

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| | | |
| | | |
| | | |

MICHAEL BUTLER
 CIVIL ENGINEER
 cost effective
 engineering
 Box 1520 Fort Bragg CA 95437 707 961-1891

TENTATIVE SUBDIVISION MAP
 FOR
 BURNS VALLEY LLC
 2890 OLD HWY 53 CLEARLAKE, CA
 AP# 010-048-08

PROJECT NUMBER: 15-02-005
 DATE: 5/12/2020

NORTH

C-1

ATTACHMENT 4

Draft

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CLEARLAKE**

RESOLUTION NO. PC_____

ADOPTION OF A MITIAGED NEGATIVE DECLARATION FOR INITIAL STUDY IS-03-05, PREPARED FOR MAJOR SUBDIVISION SUB-02-05 (BURNS VALLEY), LOCATED AT 2890 OLD HIGHWAY 53, CLEARLAKE; APN 010-048-08.

WHEREAS, the Clearlake Planning Department received a request for a major subdivision (SUB-02-05: Burns Valley), and

WHEREAS, the Clearlake Planning Department prepared Initial Study IS-03-05 and circulated it for public review; and

WHEREAS, in the time, form and manner provided by law, notice of public hearing by the Commission was sent; and

WHEREAS, at its regular scheduled public meeting on June 20, 2006, the Planning Commission held a public hearing and considered testimony from affected property owners, public and staff on Initial Study IS-03-05, and Major Subdivision SUB-02-05.

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

Based upon testimony received at the public hearings from the public and staff, the Planning Commission makes the following findings associated with Initial Study IS-03-05:

1. Potential environmental impacts related to traffic and circulation has been mitigated to less than significant levels by parcel map Conditions #33,34,35,36,37,38.
2. Potential environmental impacts related to public utilities and services have been mitigated to less than significant levels by parcel map Conditions #31,32,39.
3. Potential environmental impacts related to geology and soils have been mitigated to less than significant levels by parcel map Conditions #17,18,19.
4. Potential environmental impacts related to cultural resources have been mitigated to less than significant levels by parcel map Condition #16.
5. Potential environmental impacts related to biological resources have been mitigated to less than significant levels by parcel map Conditions #14,15.

6. Potential environmental impacts related to aesthetics have been mitigated to less than significant levels by parcel map Conditions #6,7,8.
7. Potential environmental impacts related to hazards and hazardous materials have been mitigated to less than significant levels by parcel map Conditions #20,21,22,23.
8. Potential environmental impacts related to air quality have been mitigated to less than significant levels by parcel map Conditions #9,10,11,12,13.
9. Potential environmental impacts related to hydrology and water quality have been mitigated to less than significant levels by parcel map Conditions #24,25,26,27,28.
10. Potential environmental impacts related to noise have been mitigated to less than significant levels by parcel map Conditions #29,30.
11. This project is consistent with the City of Clearlake General Plan, Zoning Ordinance, and Land Division Ordinance.
12. This project is consistent with the State Subdivision Map Act.
13. Given implementation of the identified mitigation measures and standard conditions of project approval of the City of Clearlake and other pertinent agencies, no significant adverse environmental impacts are anticipated.
14. This project does not qualify for the *de minimis* finding with regard to impacts to fish and wildlife habitat, and therefore is subject to the State Fish and Game filing fee (parcel map Condition #15).

PASSED AND ADOPTED by the Planning Commission of the City of Clearlake, County of Lake, State of California on this 20th day of June, 2006, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Chairman

ATTEST:

Recording Secretary

ATTACHMENT 5

Draft

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CLEARLAKE**

RESOLUTION NO. PC_____

**APPROVAL OF MAJOR SUBDIVISION SUB-02-05 (BURNS VALLEY), LOCATED AT
2890 OLD HIGHWAY 53, CLEARLAKE; APN 010-048-08.**

WHEREAS, the Clearlake Planning Department received a request for a major subdivision (SUB-02-05: Burns Valley) and

WHEREAS, the Clearlake Planning Department prepared Initial Study IS-03-05 and circulated it for public review; and

WHEREAS, in the time, form and manner provided by law, notice of public hearing by the Commission was sent; and

WHEREAS, at its regular scheduled public meeting on June 20, 2006, the Planning Commission held a public hearing and considered testimony from affected property owners, public and staff on Initial Study IS-03-05, and Major Subdivision SUB-02-05; and

WHEREAS, the Planning Commission adopted a mitigated negative declaration by separate resolution based upon Initial Study IS-03-05 for Major Subdivision SUB-02-05; and

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

Based upon testimony received at the public hearings from the public and staff, the Planning Commission makes the following findings:

1. The property is zoned rural residential.
2. The property is bounded by compatibly zoned property.
3. The property is bounded by similarly subdivided parcels.
4. That substantial improvement above and beyond those included as conditions of project approval are not necessary for public health and safety or for the orderly development of the property and the surrounding area.
5. This project is consistent with the City of Clearlake General Plan, Zoning Ordinance and Land Division Ordinance.
6. This project is consistent with the State Subdivision Map Act.

7. As mitigated, this project will not result in any significant adverse environmental impacts and a Mitigated Negative Declaration has been adopted.

And subject to the following conditions:

General

1. Prior to building permit issuance, the developer/contractor shall submit building, landscaping, lighting and maintenance plans to the Community Development Department for design and zoning review and approval consistent with adopted regulations.
2. All construction shall be consistent with the approved plans and have Community Development and Engineering Department approvals prior to commencement of work.
3. The tentative map shall be valid for two years from date of approval, unless the applicant applies for and receives an extension in accordance with provisions of the Clearlake Municipal Code or receives an extension by State legislation. If the project applicant does not file a final map before the expiration of the tentative map, the project applicant must file a new tentative map in accordance with the Subdivision Map Act and applicable provisions of the Clearlake Municipal Code.
4. The owner shall allow City of Clearlake representatives or designees to make inspections as deemed necessary in order to assure that the activity being performed under authority of the tentative map and associated permits is in accordance with the terms and conditions prescribed herein.
5. Prior to construction, the applicant shall submit to the Regional Water Quality Control Board a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) to comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit issued by the Regional Water Quality Control Board applicable to development over one acre in size.

Aesthetics

6. The project/applicant shall submit all information to the City for review, approval and incorporation into each deed as a restriction for all lots of record for formation and maintenance of Lighting, Landscaping and Maintenance (curb, gutters, streets and any other hard improvements) Districts. District Assessments are required to be maintained in accordance with the terms and imposed conditions.
7. The project shall incorporate existing oak trees into the landscaping design whenever feasible, as reviewed by an expert and accepted by the Community Development Director. Removal of any oak tree shall receive prior approval from the Director prior to removal, in addition to securing all necessary permits.
8. The project shall avoid the removal of oak trees within 100 feet of the centerline of State Route 53 whenever feasible. If oak trees must be removed, the project applicant shall conform to condition #6 above and submit plans and replace removed oak trees at a ratio of 1.5 trees planted for every one tree removed. Replacement trees shall be no less than 15 gallon and shall be incorporated into the Landscaping Assessment District. The City, in consultation with the project applicant, shall determined the location of planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring

plan shall be prepared and implemented to ensure that planted trees remain viable for one year and remain in a live and healthy condition as required within the Landscaping Assessment document. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every tree or for every inch of dbh that is removed from the project site. The City may use the funds for the replanting of oak trees at a 1.5:1 ratio at a site determined by the City.

9. The project applicant shall identify heritage oak trees on the final map. If heritage oak trees must be removed, the project applicant shall plant replacement trees at a ratio of two trees planted for every one tree removed, at a minimum of 15 gallon ratio, to be planted and maintained in a live and healthy condition for every one heritage oak tree removed. Identical to condition #8, prior approval and permit is required prior to removal of any trees. The City, in consultation with the project applicant, shall determine the location of planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable for one year and remain in a live and healthy condition as required within the Landscaping Assessment documents. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every tree or for every inch of dbh that is removed from the project site. The City may use the funds for the replanting of oak trees at a 2:1 ratio at a site determined by the City.

Air Quality

10. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction to limit the generation of fugitive dust, or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.
11. The applicant shall secure a grading permit from the Community Development Department and shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either paved with concrete or asphaltic concrete, landscaping or erosion control hydroseed mixture, as approved by the Director.
12. The burning of construction debris is prohibited. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, in an acceptable recycling practice, or as authorized by the Lake County Air Quality Management District and Lake County Fire Protection District.
13. During construction activities, the applicant shall remove daily accumulation of mud and dirt on paved access lanes that serve the project site.
14. The project applicant shall include CC&R's on the project site, and make a notation on the subdivision map, that prohibit residential open burning and the keeping of large or non-domestic animals within the subdivision. For purposes of clarification, domestic animals include cats, dogs, limited indoor birds and other acceptable types of small domestic animals normally maintained at a single family residence as approved by the Director, or if uncertain, Planning Commission.

Biological Resources

15. No buildings or accessory structures shall be placed within 40 feet of the bank of the seasonal creek. No construction or grading activities, including the placement of equipment and materials, shall occur within 40 feet of the bank of the seasonal creek, except for any flood control facilities that may be installed as part of Condition #28. No vegetation within this buffer shall be removed unless it poses a safety hazard, as approved by the Community Development and/or Fire Departments.
16. Per California Department of Fish and Game (DFG) regulations, the project is not considered to have a *de minimus* impact on the environment. Therefore, the project applicant shall pay the fee required by DFG for Negative Declarations on projects.

Cultural Resources

17. In the event that archaeological remains or artifacts are uncovered during construction activities, work shall be stopped and a qualified archaeologist shall survey the site. The archaeologist shall submit a report with recommendations on the disposition of the site. Disposition may include, but is not limited to, excavation and documentation, capping the site, or leaving the site in an open space area. The recommendations of the archaeologist shall be incorporated in the project.

Geology and Soils

18. The proposed development shall be designed and constructed in accordance with the most current applicable Building Codes, including the Uniform Building Code (UBC) and the California Building Code (CBC), as determined by the Community Development Department of the City of Clearlake.
19. Design and construction associated with the project shall adhere to the recommendations made in the Preliminary Geotechnical Investigation prepared by PJC & Associates dated January 19, 2006.
20. Prior to issuance of building permits, the project applicant shall demonstrate to the Lake County Environmental Health Department and the City Engineer that proposed septic systems shall function satisfactorily. The City Engineer and contractual Lake County Environmental Health Departments shall approve all septic systems and the applicant shall receive all necessary approvals and permits, according to applicable standards. Per Clearlake Municipal Code Section 18-5.503, discharge of liquid waste into creeks or ditches is prohibited.

Hazards and Hazardous Materials

21. Equipment fueling and service shall be conducted at a per approved/designated location other than the project site, including local gas stations or repair shops, by the City.
22. Any spills resulting from fueling or hydraulic line breaks will be contained and cleaned up immediately, according to applicable standards.
23. During construction activities, equipment shall be maintained and kept in good operating condition to reduce the likelihood of line breaks and leakage.
24. No refueling or servicing shall be done without absorbent materials (i.e., absorbent pads, mats, socks, pillows and granules) or drip pans underneath to contain spilled materials.

Hydrology and Water Quality

25. The project applicant shall secure a NPDES General Stormwater Permit for construction activities prior to their start. As part of the NPDES permit process, the project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that outlines the Best Management Practices (BMPs) to be employed during construction activities to minimize storm water pollution. The SWPPP also shall include Best Construction Practices to be employed in the clearing and grading of the project site and for other scheduled construction activities.
26. Prior to the commencement of any grading activity on-site, the applicant/contractor shall install structural control measures to reduce erosion and retain sedimentation. Measures may include, but are not limited to, stabilization of control entrance, temporary gravel and construction entrance, installation of a temporary gravel construction entrance, and installation of filter fabric fences. These measures shall be listed in the required SWPPP for the project. The applicant shall remove all temporary erosion control facilities upon stabilization of the entire project site, as approved by the City Engineer.
27. During construction, the applicant and the contractor of record shall exercise BMPs, such as daily street sweeping and the placement of erosion control measures on-site, to minimize storm water pollution. The BMPs shall be listed in the required SWPPP for the project. The contractor shall designate a primary contact person who shall be available to the City of Clearlake in the event of noted storm damage or storm event. Said person shall be responsible for inspection of all erosion control facilities.
28. The proposed project shall be constructed in accordance with the Lake County Clean Water Program Storm Water Management Plan and/or applicable standards, whichever are the most restrictive.
29. Prior to the issuance of building permits, the project applicant shall submit a plan to control potential flooding of residences from the seasonal creek traversing the project site. The flood control plan may include, but is not limited to, the construction of berms or other structures to hold back flood waters. The flood control plan shall provide adequate flood protection in accordance with the standards set forth in the City's Storm Water Drainage Plan, and shall not conflict with its objectives and programs. It also shall include a mechanism to finance any constructed improvements and their maintenance.

Noise

30. The hours of construction shall be limited to 7:00 A.M to 6:00 P.M. Monday through Friday, and 9:00 A.M. to 4:00 P.M. on Saturday. Construction is prohibited on Sundays and holidays.
31. Prior to issuance of building permits, the project applicant shall submit to the City an acoustical study demonstrating that proposed residences on the project site would have interior noise levels that do not exceed 45 dB CNEL. All design and construction measures cited in the study that will enable the residences to meet the required interior noise levels shall be incorporated in the project.

Public Services (Lake County Fire Protection District)

32. Per the recommendation of the Lake County Fire Protection District, the project applicant also shall include an additional fire hydrant on Road A, halfway between Old Highway

53 and the cul-de-sac. The fire hydrant shall comply with applicable City and Fire District standards.

33. The project applicant shall include CC&R's, and make a notation on the subdivision map, that prohibit parking on both sides of the roads extending onto the project site. Signs indicating no street parking shall be posted at appropriate locations on both roads to the satisfaction of the Community Development Department, as enforceable by the Police Department.

Transportation/Traffic

34. The project/applicant shall submit all information to the City for review, approval and incorporation into each deed as a restriction for all lots of record for formation of a Maintenance District (curb, gutters, storm drains, streets and any other hard improvements). District Assessments are required to be maintained in accordance with the terms and imposed conditions.
35. Old Highway 53 shall be widened to provide a 40-foot curb-to-curb section. The right of way should be provided equally on both sides of the street, therefore an additional 5 feet shall be dedicated along the east side of Old Highway 53 in association with this development. The street improvements shall include the widening of the existing street to provide a 20-foot street section from centerline to face of curb, the installation of curb, gutter, sidewalk, storm drainage, street lighting and signage in conformance with the City of Clearlake's Street Standards. Repaving and re-stripping of the easterly half of Old Highway 53 is required to provide a uniform paving transition from the existing center of Old Highway 53 to the new curb and gutter.
34. The street widening on Old Highway 53 shall include the widening of the existing bridge north of Road A, within the subdivision's boundaries.
35. Proposed roads A & B should be fully improved with curb, gutter, sidewalk, storm drainage, streetlights and signage in conformance with the City of Clearlake's Street Standards or more restrictive applicable standards.
36. Prior to the start of grading or any land disturbance, a storm drain study shall be prepared by a registered civil engineer for this subdivision to determine what drainage improvements, size and location are needed, and what if any downstream impacts may need to be mitigated.
37. The Burns Valley Creek 100-year flood plain shall be depicted on the tentative map.
38. The developer/builder shall pay traffic impact fees that are in place at the time the building permit is applied for and granted.

Utilities and Service Systems

39. Prior to the start of construction, the project applicant shall submit three sets of site plans to Highlands Water Company for review by its engineer and manager. The project applicant also shall submit a flow analysis to Highlands Water Company to determine if the existing distribution system can adequately serve the project.

As a point of clarification and prior to recordation of the final subdivision map, the applicant is responsible for, in cooperation with the City, for the formation of a lighting,

landscape and maintenance assessment district for the installation and maintenance of street lighting, landscaping and maintenance of common areas and public right of way associated with this project. The assessment district shall be based on an engineering study to determine construction, installation and ongoing maintenance costs. The formation of the assessment district shall include an annual cost of inflation based on an approved index method as determined by the city engineer and the city finance director. The formation of the district and the language shall be reviewed and approved by the City Attorney prior to the recordation of the Final Map.

PASSED AND ADOPTED by the Planning Commission of the City of Clearlake, County of Lake, State of California on this 20th day of June, 2006, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Chairman

ATTEST:

Recording Secretary

ATTACHMENT 6

Conditions of Approval for SUB-02-05 (Burns Valley)

General

1. Prior to building permit issuance, the developer/contractor shall submit building, landscaping, lighting, and maintenance plans to the Community Development Department for design and zoning review and approval consistent with adopted regulations.
2. All construction shall be consistent with the approved plans and have Community Development and Engineering Department approvals prior to commencement of work.
3. The tentative map shall be valid for two years from date of approval, unless the applicant applies for and receives an extension in accordance with provisions of the Clearlake Municipal Code or receives an extension by State legislation. If the project applicant does not file a final map before the expiration of the tentative map, the project applicant must file a new tentative map in accordance with the Subdivision Map Act and applicable provisions of the Clearlake Municipal Code.
4. The owner shall allow City of Clearlake representatives or designees to make inspections as deemed necessary in order to assure that the activity being performed under authority of the tentative map and associated permits is in accordance with the terms and conditions prescribed herein.
5. Prior to construction, the applicant shall submit to the Regional Water Quality Control Board a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) to comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit issued by the Regional Water Quality Control Board applicable to development over one acre in size.

Aesthetics

6. The project/applicant shall submit all information to the City for review, approval and incorporation into each deed as a restriction for all lots of records for formation of Landscaping, Lighting and Maintenance (curb, gutters, streets, storm drains and any other hard improvement) District. District Assessments are required to be maintained in accordance with the terms and imposed conditions.
7. The project shall incorporate existing oak trees into the landscaping design whenever feasible, as reviewed by an expert and accepted by the Community Development Director. Removal of any oak trees shall receive prior approval from the Director, in addition to securing necessary permits.
8. The project shall avoid the removal of oak trees within 100 feet of the centerline of State Route 53 whenever feasible. If oak trees must be removed, the project applicant shall conform to condition #6 and submit plans and shall plant replacement trees at a ratio of 1.5 trees planted for every one tree removed. Replacement trees shall be at no less than 15 gallons and a guarantee shall be incorporated into the Landscaping Assessment District. The City, in consultation with the project applicant, shall determined the location of

planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable for one year and remain in a live and healthy condition as required within the Landscaping Assessment documents. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every tree or for every inch of dbh that is removed from the project site. The City may use the funds for the replanting of oak trees at a 1.5:1 ratio at a site determined by the City.

9. The project applicant shall identify heritage oak trees on the final map. If heritage oak trees must be removed, the project applicant shall plant replacement trees at a ratio of two trees planted for every one tree removed, at a minimum gallon ratio of 15 gallons, to be planted and maintained in a live and healthy condition. The City, in consultation with the project applicant, shall determine the location of planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable for one year and remain in a live and healthy condition as required within the Landscaping Assessment document. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every tree or for every inch of dbh that is removed from the project site. The City may use the funds for the replanting of oak trees at a 2:1 ratio at a site determined by the City.

Air Quality

10. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction to limit the generation of fugitive dust, or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.
11. The applicant shall secure a grading permit from the Community Development Department and shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either paved with concrete or asphaltic concrete, landscaping or erosion control hydroseed mixture, as approved by the Director.
12. The burning of construction debris is prohibited. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of in an acceptable recycling practice to the City, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District.
13. During construction activities, the applicant shall remove daily accumulation of mud and dirt on paved access lanes that serve the project site.
14. The project applicant shall include CC&R's on the project site, or make a notation on the subdivision map, that prohibit residential open burning and the keeping of large or non-domestic animals within the subdivision. For purposes of clarification, domestic animals include cats, dogs, limited indoor birds and other acceptable types of small domestic animals normally maintained at a single family residence, as approved by the Director, or if uncertain, Planning Commission.

Biological Resources

15. No buildings or accessory structures shall be placed within 40 feet of the bank of the seasonal creek. No construction or grading activities, including the placement of equipment and materials, shall occur within 40 feet of the bank of the seasonal creek, except for any flood control facilities that may be installed as part of Condition #28. No vegetation within this buffer shall be removed unless it poses a safety hazard, as approved by the Community Development and/or Fire Departments.
16. Per California Department of Fish and Game (DFG) regulations, the project is not considered to have a *de minimus* impact on the environment. Therefore, the project applicant shall pay the fee required by DFG for Negative Declarations on projects.

Cultural Resources

17. In the event that archaeological remains or artifacts are uncovered during construction activities, work shall be stopped and a qualified archaeologist shall survey the site. The archaeologist shall submit a report with recommendations on the disposition of the site. Disposition may include, but is not limited to, excavation and documentation, capping the site, or leaving the site in an open space area. The recommendations of the archaeologist shall be incorporated in the project.

Geology and Soils

18. The proposed development shall be designed and constructed in accordance with the most current applicable Building Codes, including the Uniform Building Code (UBC) and the California Building Code (CBC), as determined by the Community Development Department of the City of Clearlake.
19. Design and construction associated with the project shall adhere to the recommendations made in the Preliminary Geotechnical Investigation prepared by PJC & Associates dated January 19, 2006.
20. Prior to issuance of building permits, the project applicant shall demonstrate to the City Engineer that proposed septic systems shall function satisfactorily. The City Engineer shall approve septic systems and the applicant shall receive all necessary approvals and permits from the City of Clearlake and Lake County Environmental Health Department and/or applicable standards. Per Clearlake Municipal Code Section 18-5.503, discharge of liquid waste into creeks or ditches is prohibited.

Hazards and Hazardous Materials

21. The applicant shall ensure that equipment fueling and services shall be conducted at a pre approved/designated location by the City.
22. Any spills resulting from fueling or hydraulic line breaks will be contained and cleaned up immediately, according to State and Federal standards.
23. During construction activities, equipment shall be maintained and kept in good operating condition to reduce the likelihood of line breaks and leakage.
24. No refueling or servicing shall be done without absorbent materials (i.e., absorbent pads, mats, socks, pillows and granules) or drip pans underneath to contain spilled materials.

Hydrology and Water Quality

25. The project applicant shall secure a NPDES General Stormwater Permit for construction activities prior to their start. As part of the NPDES permit process, the project applicant

shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that outlines the Best Management Practices (BMPs) to be employed during construction activities to minimize storm water pollution. The SWPPP also shall include Best Construction Practices to be employed in the clearing and grading of the project site and for other scheduled construction activities.

26. Prior to the commencement of any grading activity on-site, the applicant/contractor shall install structural control measures to reduce erosion and retain sedimentation. Measures may include, but are not limited to, stabilization of control entrance, temporary gravel and construction entrance, installation of a temporary gravel construction entrance, and installation of filter fabric fences. These measures shall be listed in the required SWPPP for the project. The applicant shall remove all temporary erosion control facilities upon stabilization of the entire project site, as approved by the City Engineer.
27. During construction, the applicant and the contractor of record shall exercise BMPs, such as daily street sweeping and the placement of erosion control measures on-site, to minimize storm water pollution. The BMPs shall be listed in the required SWPPP for the project. The contractor shall designate a primary contact person who shall be available to the City of Clearlake in the event of noted storm damage or storm event. Said person shall be responsible for inspection of all erosion control facilities.
28. The proposed project shall be constructed in accordance with the Lake County Clean Water Program Storm Water Management Plan and/or applicable standards, whichever is the most restrictive.
29. Prior to the issuance of building permits, the project applicant shall submit a plan to control potential flooding of residences from the seasonal creek traversing the project site. The flood control plan may include, but is not limited to, the construction of berms or other structures to hold back floodwaters. The flood control plan shall provide adequate flood protection in accordance with the standards set forth in the City's Storm Water Drainage Plan, and shall not conflict with its objectives and programs. It also shall include a mechanism to finance any constructed improvements and their maintenance.

Noise

30. The hours of construction shall be limited to 7:00 A.M to 6:00 P.M. Monday through Friday, and 9:00 A.M. to 4:00 P.M. on Saturday. Construction is prohibited on Sundays and holidays.
31. Prior to issuance of building permits, the project applicant shall submit to the City an acoustical study demonstrating that proposed residences on the project site would have interior noise levels that do not exceed 45 dB CNEL. All design and construction measures cited in the study that will enable the residences to meet the required interior noise levels shall be incorporated in the project.

Public Services (Lake County Fire Protection District)

32. Per the recommendation of the Lake County Fire Protection District, the project applicant also shall include an additional fire hydrant on Road A, halfway between Old Highway 53 and the cul-de-sac. The fire hydrant shall comply with applicable City and Fire District standards.

33. The project applicant shall include CC&R's, and make a notation on the subdivision map, that prohibit parking on both sides of the roads extending onto the project site. Signs indicating no street parking shall be posted at appropriate locations on both roads, to the satisfaction of the Community Development Department, as enforceable by the Police Department.

Transportation/Traffic

34. Old Highway 53 shall be widened to provide a 40-foot curb-to-curb section. The right of way should be provided equally on both sides of the street, therefore an additional 5 feet shall be dedicated along the east side of Old Highway 53 in association with this development. The street improvements shall include the widening of the existing street to provide a 20-foot street section from centerline to face of curb, the installation of curb, gutter, sidewalk, storm drainage, street lighting and signage in conformance with the City of Clearlake's Street Standards. Repaving and re-stripping of the easterly half of Old Highway 53 is required to provide a uniform paving transition from the existing center of Old Highway 53 to the new curb and gutter.
35. The street widening on Old Highway 53 shall include the widening of the existing bridge north of Road A, within the subdivision's boundaries.
36. Proposed roads A & B should be fully improved with curb, gutter, sidewalk, storm drainage, streetlights and signage in conformance with the City of Clearlake's Street Standards.
37. Prior to the start of grading or any land disturbance, a storm drain study shall be prepared by a registered civil engineer for this subdivision to determine what drainage improvements, size and location are needed, and what if any downstream impacts may need to be mitigated.
38. The Burns Valley Creek 100-year flood plain shall be depicted on the tentative map.
39. The developer/builder shall pay any traffic impact fees that are in place at the time the building permit is applied for and granted.

Utilities and Service Systems

40. Prior to the start of construction, the project applicant shall submit three sets of site plans to Highlands Water Company for review by its engineer and manager. The project applicant also shall submit a flow analysis to Highlands Water Company to determine if the existing distribution system can adequately serve the project.
41. Prior to recordation of the final subdivision map, the applicant is responsible for, in cooperation with the City, the formation of a lighting and landscape assessment district for the installation and maintenance of street lighting and landscaping of common areas and public right of way associated with this project. The assessment district shall be based on an engineering study to determine construction, installation and ongoing maintenance costs. The formation of the assessment district shall include an annual cost of inflation based on an approved index method as determined by the city engineer and the city finance director. The formation of the district and the language shall be reviewed and approved by the City Attorney prior to the recordation of the Final Map.

As a point of clarification and prior to recordation of the final subdivision map, the applicant is responsible for, in cooperation with the City, for the formation of a lighting, landscape and maintenance assessment district for the installation and maintenance of street lighting, landscaping and maintenance of common areas and public right of way associated with this project. The assessment district shall be based on an engineering study to determine construction, installation and ongoing maintenance costs. The formation of the assessment district shall include an annual cost of inflation based on an approved index method as determined by the City Engineer and the City Finance Director. The formation of the district and language shall be reviewed and approved by the City Attorney prior to the recordation of the Final Map.