

HIDDEN LAKE RANCH

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January 22, 2010

Via eMail

Ms. Emily Minton
Community Development Department
Planning Division
255 North Forbes Street
Lakeport, CA 95453

***Re: Cristallago Project
Sierra Club Appeal of Planning Commission
Certification of Final EIR***

Dear Ms. Minton:

We own Hidden Lake Ranch, a 202 acre agricultural operation in the Williamson Act. Our property is immediately adjacent to the westernmost edge of the "panhandle portion" of the Cristallago Development Project (the "Project"). Our property consists of one legal parcel but two assessor parcels (APN Numbers 003-046-090 and 005-007-030).

We support the appeal by the Sierra Club of the Lake County Planning Commission certification of the Final Environmental Impact Report (FEIR) with respect to the proposed Cristallago Project which is scheduled for hearing on January 26, 2010. We will submit separate comments with respect to the scheduled Board of Supervisors consideration of the general plan amendments and rezonings sought in the developers' applications GPAP 05-09, RZ 05-12 and GPD 05-05, scheduled for hearing on the same date.

Incorporation of Prior Comments

The comments in this response to the FEIR are without prejudice to the objections to the form and content of the Notice of Preparation of the FEIR set out in our letter dated July 13, 2007, regarding the scope and content of the FEIR; our letter of December 29 2008, regarding the Draft EIR;. our oral comments made at the February 19, 2009, hearing before the Lake County Planning Commission, our written comments regarding the Final EIR in our letter

of September 9, 2009, our spoken comments at the September 10, 2009 Planning Commission hearing, our written comments dated October 22, 2009 and our oral comments made at the Planning Commission hearing on October 22, 2009. The entirety of each of the foregoing prior comments regarding the inadequacies of the Cristallago environmental impact report are incorporated by reference in this comment to the adequacy of the final EIR.

The Final EIR is Inadequate

Our concerns about the adequacy of the Environmental Impact Report on this Project have already been stated. We have been in front of the Planning Commission since the beginning of this process and our questions have still not been answered.

Without waiver of objections to the inadequacy of the FEIR already raised by us and by others, the FEIR is inadequate for the following reasons:

✘ Improper Use of Program EIR

The applicant in this case required that the County use a “program” EIR rather than a “project” EIR. Staff Report, page 6. As noted in the Staff Report, the result is that environmental analysis of many impacts is deferred to future EIR analysis. However, in the context of this project, that is impermissible. The California Code of Regulations, which governs the use of tiered EIRs, provides that the use of the tiering procedure does not permit the County to defer the analysis of reasonably foreseeable significant environmental impacts to a later state of review to avoid addressing them in the first tier. 14 California Code of Regulations §15152(b). See *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*, 40 C4 412, 431 (2007); *Santa Clarita Organization for Planning the Environment v. County of Los Angeles*, 106 Cal.App.4th 715, 723 (2003).

✘ Esthetic Impacts

The EIR does not address the impact of the project on views from Scotts Valley and Scotts Valley Road.

✘ Lighting and Glare

No analysis was done of the impact of the project on nighttime views in Lake County, particularly Scotts Valley.

✘ Biological Resources

There has been an improper deferral of mitigation measures and the FEIR relies upon outdated and incomplete biological studies.

✘ Air Quality/Greenhouse Gas Emissions

The analysis of greenhouse gas emissions is inadequate under existing state law and fails to use the best available science to analyze the emissions from this project.

✘ Consistency with the General Plan

The DEIR misstates whether the proposed project is consistent with applicable provisions in the County's General Plan. While certain elements of the project and certain environmental impacts were correctly found in the DEIR to be inconsistent with the General Plan, numerous other impacts and elements were improperly found to be consistent with the General Plan.

✘ Geology and Soils

The geologic analysis is inadequate in that it relies principally on the 1984 Cleary Consultants work which is outdated and inadequate.

✘ Hazardous Materials

There is almost no discussion of the use of hazardous materials by the intended thousands of residents of the site and no quantification whatsoever of the use of hazardous materials (including herbicides, pesticides and fertilizers) on the site. A full and complete study and modeling of the use of such substances and the release/migration thereof off-site needs to be done and made part of the EIR.

✘ Hydrology and Water

The FEIR improperly relies upon the Butler Engineering report prepared by the applicant's engineer. The Draft EIR found that the Butler Engineering did not "do not reflect a true comparison between the existing and proposed conditions." Draft EIR, Page IV.I-21. Thus, the FEIR does not adequately analyze the impact of flows of water from this project offsite into Scotts Creek, Lyons Creek and Clear Lake.

✘ Water Supply

The water supply analysis relies upon "paper water," i.e., future, speculative and uncertain sources of water required for the project. Therefore, the environmental impact of alternative sources of water are required to be discussed in the EIR. *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715.

To grant irrevocable development entitlements to this property based upon such an incomplete and inadequate EIR is completely counter to the purposes of the California Environmental Quality Act. As we have stated in our earlier submissions regarding the EIR, the Final EIR is inadequate and it must be rejected and recirculated.

Sincerely yours,

A handwritten signature in black ink that reads "Kevin Goodwin". The signature is written in a cursive, flowing style.

Kevin and Eileen Goodwin, dba
Hidden Lake Ranch

cc: Board Chair Tony Farrington (via email)
Supervisor Rob Brown (via email)
Supervisor Jim Comstock (via email)
Supervisor Denise Rushing (via email)
Supervisor Jeff Smith (via email)