

# HIDDEN LAKE RANCH

4554 Eickhoff Road

Lakeport, CA 95453

(707) 891-3180

[www.hiddenlakeranch.com](http://www.hiddenlakeranch.com)

January 22, 2010

***Via eMail***

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

**Re: *Cristallago Project***  
***Comments re Applications GPAP 05-09, RZ 05-12 and GPD 05-05***

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 oppose the requested general plan amendments and rezonings sought in the developers' applications GPAP 05-09, RZ 05-12 and GPD 05-05 which is scheduled for hearing on January 26, 2010. We have separately submitted our comments in support of the Sierra Club appeal of the certification of the Final EIR with respect to the proposed project which is set for hearing on the same date.

**There are Too Many Significant and Unavoidable Impacts From This Proposed Project to Allow It To Proceed**

Even as inadequate as the EIR is in this case, it still has identified what can clearly be seen: this project would be an environmental disaster. This project is in the wrong place and is not designed in any way to avoid or minimize the environmental impacts it will have. The EIR identifies many significant and unavoidable impacts from the project in the form it is proposed:

- ✘ The project will destroy oak woodlands.
- ✘ The project will destroy the habitat of endangered species.

- ✘ The project will degrade air quality and release asbestos into the environment for years to come.
- ✘ The project will generate greenhouse gases and prevent the rest of the County from achieving its greenhouse gas goals and mandates.
- ✘ The project will waste precious water resources.
- ✘ The project will destroy the rural character of Scotts Valley and put suburban housing next to agricultural operations.
- ✘ The project will destroy the scenic ridgelines.
- ✘ The project will destroy the scenic views from Highway 29, Clear Lake and Scotts Valley Road.
- ✘ The project will destroy nighttime views, both by directly stitching the ridgelines and hillsides with lights and by adding light pollution which will degrade the night sky for the entire North County.

This project will destroy so much and will deliver so little to Lake County. The economic report is flawed and its overly optimistic assumptions are all now in question in the current and future economic and real-estate environment. The required statements of overriding considerations that would be necessary to proceed with this project in light of its significant and unavoidable environmental impacts simply cannot be made. There is no reasonable justification for this project in the form proposed.

### **The Residential Portion of This Project Is Completely Inconsistent With the Lake County General Plan**

Lake County put into place its General Plan in 2008. The General Plan was the result of input from the entire county and represents the consensus of the County on how development should occur in Lake County. The General Plan is very clear that there shall not be suburban residential development outside identified Community Growth Boundaries.<sup>1</sup>

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1. The project violates many other General Plan policies, including: Policy LU - 1.3 (prevent incompatible uses), Policy LU – 2.1 (adequate available infrastructure must exist before development can occur), Policy LU – 2.3 (maintain distinct urban edges), Policy LU – 6.14 (clustering). The project also violates many elements of the Lakeport Area Plan: Section 3.4.1 (protection of scenic viewsheds); Section 3.3.1.f (develop outside oak woodlands); 5.2.1.c (encourage affordable housing).

The California Supreme Court defines the general plan as the “constitution for future development.” *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540). As stated by the California Office of Planning and Research in its General Plan Guidelines publication, “[t]he general plan expresses the community’s development goals and embodies public policy relative to the distribution of future land uses, both public and private.” (OPR General Plan Guidelines, page 10).

The Lake County General Plan limits suburban residential development to areas within the specified growth boundaries. The Cristallago property is undisputable outside the North Lakeport Community Growth Boundary and, therefore, the application to rezone the property to allow suburban residential development must be rejected.

The limited exception of some residential element in a resort community does not apply here to permit the construction of 650 suburban homes outside the North Lakeport Community Growth Boundary. Even the most tortured analysis cannot bring the residential portion of this project within the limited exception. (See Staff Report, pages 19 - 20). The residential portion is not “secondary and subordinate” to the resort component. In fact, as made clear by the October 20, 2009 letter to the developers by their San Francisco based economic consultant ERA (Exhibit F, pages 162 – 165). That letter and the accompanying table show conclusively that the “resort” component (the golf course, clubhouse, spa and related resort components) are merely “amenities” that support the real goal of the project: suburban residential home and lot sales.

In order to get around this absolute bar to the construction of the suburban residential component of the Cristallago development, the applicants seek to just amend away the restriction by an amendment of the General Plan. Such “one off” amendments of the General Plan would completely gut the Plan and make a mockery of the years of work and effort that went into its creation. It is instructive that the General Plan revisions resulting in the current 2008 General Plan took place **after** the Cristallago development was originally proposed. If the County had reason to consider this property for suburban residential development, there was the clear opportunity to draw up the General Plan to so provide and to draw the community growth boundary to include it. But that was not the will of the County. The 2008 General Plan as enacted, must control.

### **The Project Is Not Smart Growth**

The General Plan mandates the use of Smart Growth principles in new development in Lake County. The General Plan defines Smart Growth as:

**Smart Growth.** Using comprehensive planning to guide, design, develop, revitalize and build communities for all that: have a

unique sense of community and place; preserve and enhance valuable natural and cultural resources; equitably distribute the costs and benefits of development; expand the range of transportation, employment and housing choices in a fiscally responsible manner; value long-range, regional considerations of sustainability over short term incremental geographically isolated actions; and promote public health and healthy communities. Compact, transit accessible, pedestrian-oriented, mixed use development patterns and land reuse epitomize the application of the principles of smart growth. (General Plan, Pages 3 - 4)

This project, from top to bottom, is antiquated suburban sprawl. It meets none of the principles of smart growth. General Plan Policy LU – 1.1 sets out the principles of smart growth and this project meets none of them:

Creating walkable neighborhoods	The residences sprawl literally for miles along the property. People will drive, rather than walk.
Creating a strong sense of community identity	The project is apparently intended to appeal to out-of-town, transient second home owners. There will be no sense of community identity within the project and certainly no identity with the rest of Lake County living outside its gates.
Mixing land uses	There is a mixture of residential and resort; however, they are not tied together in a coherent mix.
Directing growth toward existing communities	This project grows outside the Community Growth Boundary and grows away from the existing community of North Lakeport and pushes the growth into Scotts Valley.
Taking advantage of compact building design	There is no indication of any kind that there will be anything other than a range of typical suburban homes spread across the property.

Discouraging sprawl	This development epitomizes sprawl.
Encouraging infill	This is not infill, it is new greenfield development in what is existing agricultural land and open space.
Preserving unique historical, cultural and natural resources	The EIR, even with all its faults, clearly shows that this project will destroy unique historical, cultural and natural resources.
Preserving open space	This takes current open space and paves it for suburban housing and covers it with high-maintenance golf course development.
Creating a range of housing opportunities and choices	Other than a few apartments for custodial workers, there is no range of housing opportunities and choices, other than which model of tract house a buyer may choose.

This Project is not smart growth and must be rejected in its current form.

**The Project Misuses Scarce Water Resources**

CSA - 21 is entitled to an annual allocation of 2,800 acre feet of water from Clear Lake under the agreement with Yolo County. As noted in the Staff Report, this project alone would grab over one-third of the water allotted to CSA - 21 under the water purchase agreement with Yolo County. Over one-fifth of that entire CSA-wide allocation would go solely to water the golf course! Given the constraints on water available to Lakeport and the rest of Lake County, it makes no sense to tie so much of it up for this development.

As noted in the General Plan, “The California Constitution requires that water be used in a reasonable and beneficial manner and prohibits misuse and waste of water.” (2008 General Plan, Page 11-4). The use of that much water for this single second home suburb and golf course is not reasonable and is a misuse and waste.

## **Conclusion**

This project is not well planned. It has none of the smart growth elements required by the General Plan and its dominant residential component is located outside the North Lakeport Community Growth Boundary. This is a bad project in the wrong place.

This project is proposed along the lines of the old-fashioned suburban sprawl that has eaten away at agricultural land and open space for the past thirty plus years. The Board must look not to the past but, consistent with the General Plan, make land use decisions that support a sustainable and viable future.

Preserve and protect Lake County. Reject Cristallago as it is currently proposed.

Thank you,

A handwritten signature in cursive script that reads "Kevin Goodwin".

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)