

Angela Siegel
5708 Inca Way
Kelseyville, Ca., 95451
(707) 277-9521

Karen Mantele
Community Development Director
City of Clearlake
14050 Olympic Dr.
Clearlake, CA 95422

Re: Provinsalia Golf Community Draft Environmental Impact Report

12/05/05

Dear Ms. Mantele,

I have thoroughly reviewed the Draft EIR for the Provinsalia Golf Community project. I have also read all public comments submitted on the specific plan and found that few of the community concerns expressed in the form of public comment are addressed in the draft EIR. I once again submit my concerns on the project. It is my hope that the planning commission and the city council will carefully consider community input by reading all written comments, including comments on the specific plan and initial study.

In my comments on the Provinsalia Golf Community Specific Plan (Siegel 5/31/05) I raised concerns about the 220 acres that the developers pulled from the project when the specific plan was developed. Originally, the Baseline Studies Report stated that these parcels were part of the project, but that the parcels would not be developed. I stated in an address to the Clearlake City Council that if these lands were not going to be developed the land should be protected in perpetuity by placing the parcels in some sort of conservation easement. The developer's response was to sell these parcels. The parcels that were sold consist of 152.84 acres bordering the south side of Cache Creek: APN# 01000832 (46.29 acres), APN# 01001326 (8.76 acres), APN# 01200837 (97.79 acres) and 67 acres to the east of the project, APN# 01001327. These parcels are undeveloped lands containing heavily wooded habitat and/or riparian habitat along Cache Creek and could have been used to mitigate the "irreversible environmental changes" that the Draft EIR states will be the result of this project. Instead the developers choose to squander this possibility. In my opinion, this response demonstrates the developers' disregard for our community and the local environment. I continue to believe that the selling of these lands constitutes piecemealing as defined under CEQA and should be investigated by the city of Clearlake's legal counsel. These lands now have the potential for development. This potential development must be taken into consideration; the fact that these lands are

under the jurisdiction of the County of Lake or under new ownership does not abdicate the responsibility of the City of Clearlake to consider these impacts within the scope of the Provinsalia project.

The current project proposal will create a visual impact for miles due to massive ridge top development. Proposed phases III, IV, VII, VIII and IX are located predominately on ridge tops or on steep slopes just below ridge tops. This means that hundreds of homes will be visible for miles. The construction of ridge top homes and the golf course will result in massive grading on site. During the site visit on December 3rd 2005, Dick Price, a Lake County Resorts representative, indicated that the ridge on which phase IX will be constructed would require 23 feet of earth to be removed from the ridge. Large mature oaks currently cover this ridge. This project will require the disruption and removal of staggering amounts of soil. Any mistake during grading or any failure of the erosion control plan could result in catastrophic landslides and sediment runoff into Cache Creek. The draft EIR states, ***“Grading the hillsides to accommodate the project will create a visual impact that is not possible to mitigate.”*** (p.27, Aesthetics 5.1, Impact 3)

The draft EIR states that the potential impacts to the Clearlake hitch, a special status species, will be less than significant (p.61, 5.3 Biological Resources, Impact 10). The draft EIR states ***“project activities will permanently fill portions of three intermittent channels within the project site (approximately 8,000 linear feet) that provide suitable spawning habitat for the Clearlake hitch, a special status species.”*** The reason that the impact is less than significant according to the draft EIR is that the spawning habitat is located on the floodplain, which will not be disturbed. I disagree with this line of reasoning. If the intermittent watercourses are permanently filled upstream from the spawning habitat then sediment from the filled area may flow into the gravel beds downstream. The influx of sediment would bury the gravel spawning beds and destroy the hitch’s reproductive habitat. Filling these channels would also guarantee that water would no longer flow through the intermittent channels, thereby causing these watercourses to dry up. In addition, if any accidents or mistakes occur during the grading of the property or in erosion control there is a potential for large amounts of sediment to flow onto the flood plain, which would also destroy the hitch’s spawning habitat. The draft EIR does not convince me that the threat to spawning hitch has been adequately mitigated.

This project will also remove 1540 trees with trunks larger than 4 inches. Most of these trees are mature oaks. The draft EIR states ***“the loss of oaks will still be considered a significant impact even with the avoidance measures incorporated into the design.”*** (p.57) Replanting to replace the lost oaks is a poor substitute for the loss of a mature oak woodland habitat. It will take decades for replanted oaks to grow if they survive. Oak woodland regeneration is a tricky business and often meets more failure than success for a variety of reasons. The policy of having a homeowner replace 2 trees for each tree cut from the property will be difficult to monitor and implement. The smallest lots are 4,500

square feet, which insures that homeowners will need to clear most trees from a lot in order to have room to build.

The project also appears to be in direct conflict with the City of Clearlake's general plan. Under the land's current zoning of **Resource Protection Section 18-2.505 Net Developable Area**, it states that *the following areas shall be subtracted from the gross project area:*

- a. Slopes greater than 30%
- b. Marshes, wetlands, floodways, watercourses or riparian corridors
- c. Rights-of-way
- d. Soil or geological conditions which present hazardous development
- e. Significant wildlife habitat, archaeological and historical sites, or other unique physical features consistent with the intent of the Clearlake general plan.

The draft EIR states that ***“any site with a slope in excess of 30% shall have engineered plans for all construction and grading. Further more, these plans shall address roads, utility corridors, as well as off-site problems caused by construction.”*** It was clearly the intent of the current zoning to exclude portions of land that had slopes in excess of 30% from development, yet the specific plan and the draft EIR clearly violates this intent.

The project also violates **Resource Protection Section 18-2.508 d. Water Courses:** *No building improvements including but not limited to residences, accessory buildings, fences, or septic tank leach line systems shall be permitted within 20 feet of an intermittent water course and fifty feet from a blue line creek as determined by USGS maps.* The project clearly violates the 20-foot setback from intermittent watercourses because the draft EIR states that it will fill in and destroy 3 intermittent watercourses, totaling 8,000 linear feet.

Minimum lot sizes are listed as 4,500 square feet in the draft EIR (p.13), yet section **18-2.506.5 Minimum Lot Size**, stipulate a minimum lot size of 5,000 square feet with off-site community sewer and water.

The proposed rezone to specific plan should **not contain less resource protection** than the current Resource Protection zoning. It is very apparent that the specific plan is in conflict with the protections put in place by the current Resource Protection zoning. The specific plan should be changed to correct these inconsistencies with City of Clearlake's general plan.

The City of Clearlake should carefully consider its participation in a Mello-Roos Bond financing of the project's infrastructure. The following is an excerpt from Guidelines for Mello-Roos Financing pp.3-4, published by the California Debt Advisory Commission, *Mello-Roos special tax bond financing along with other land-backed securities, introduces an element of speculative credit risk to the practice of local government*

*finance. If construction and sales do not proceed as planned, the landowner may face difficulties in meeting scheduled debt service payments (p.3). Local governments need to be concerned about the credit quality of bonds issued by CFDs (Community Facility District) within their boundaries. Though financial liability for the bonds is limited to landowners, the negative publicity surrounding a default could affect the price that investors would be willing to pay for future bond issuances of the local government, as well as prices at which its outstanding debt obligations trade on the secondary market (p.4). **Given that a Mello-Roos bond appears to tie the City's credit worthiness to the developers financial stability the City should proceed with all due caution.** The guidelines suggest that local agencies should require that land within a CFD have a value to debt ratio of at least 3:1, in order to protect themselves in the event of a default by the developers.*

The draft EIR states “**estimated irrigation demand for the golf course is 65-70 acre feet per year with a maximum day demand of 200,000 gal/day during the hottest summer days.**” (p.157) In Lake County “hot days” is a 4-month period from July thru October or 1/3 of the year. In this time of limited water resources a golf course is an immoral waste of water. The golf course also necessitates the removal of hundreds of mature oak trees and extensive grading. A more expectable alternative would be to eliminate the golf course and promote an eco-friendly development that leaves the current habitat in place. Many people enjoy hiking and bird watching. This particular area is a bird watcher's paradise. Eliminating the golf course would alleviate many of the environmental impacts of the project.

The number of homes within the project should also be reduced to alleviate the traffic impact of the project as well as the intensive ridge top development that is proposed. The planning commission should consider reducing the housing to 200-300 units.

In the development agreement the City should require that the interpretive center and the hiking/biking trails be completed in phase 1 by the current developer of the project to insure that these projects are actually completed. Under the specific plan Chapter V Project Implementation, it is obvious that the project and accompanying infrastructure will occur one phase at a time with no guarantee that the current developers will finish anything.

The developer may complete some houses in phase 1, but they do not plan on building all or even a majority of the houses. Dick Price, a Lake County Resorts representative, indicated at the site meeting that the lots would be sold to other developers. This project has the potential to become another massive paper subdivision.

The City has the power as the lead agency under CEQA to require changes to the specific plan in order to protect the environment and the quality of life for the residents of Clearlake and those in the surrounding communities. The specific plan should certainly

be amended to provide the same level of environmental protection as the land's current Resource Protection zoning.

Thank you for considering my comments on the Provinsalia Project.

Respectfully,

Angela Siegel

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