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Clearlake Oaks, CA 95423
Community and Firewise Leader of Clearlake Oaks Hillside

Lake County Planning office
255 North Forbes Street
Lakeport, CA 95453

Date: June 17, 2022

Re: UP 21-14 Monte Cristo Vineyards, LLC re: SCH 2022030675

Dear Lake County Planning Commissioners,

Background of Monte Cristo/Monte Lago and surrounding Residents

When we lived here earlier, imagine our neighborhood several years ago, it had been a tranquil and serene neighborhood. Safe enough for Kids playing in the middle of the street. However, with the latest, grape cultivation starting in spring and harvest season beginning in August, all the workers pass through the Vineyard Gate with several cars, very early mornings, and late evenings, driving fast, playing loud music, kicking up dust to manage and harvest the present crop and a caravan of 18 wheelers come to take away several tons of grapes. This harvest cycle already takes a couple of months. I cannot imagine what the advent of the Monte Cristo Major Use Project especially Cannabis will cause, multiply our discomfort and concerns by 10-fold and that's what it will be like.

Many of our neighbors live on Cerrito Drive (and living on Alta Vista Drive) and reside within Lago/Monte Cristo Vineyard are 2 to 4 blocks away. Beyond the gate, at their property line, the road is loose dirt and those trucks, or any traffic for that matter, creates this extreme 1930's like dust bowl. During those months, as accounted, the nearby neighbors cannot open their windows no matter how pleasant the weather might be. We finally asked the owner to water down the dirt road, and we were told the truck had broken down and, later, we were told it was because there was not enough water for the grapes. The neighbors have had to water down their houses on their own and they cannot afford to pave nor wet down the

Vineyard's road all of the time. We wonder why it cannot be paved to mitigate against residents' health and safety concerns. There is a five year paving plan by Scott De Leon, director of public works. We found out we were not on that plan, so we wrote and called him but no response.

The project is accessed via Cerrito Drive off High Valley Rd. We are concerned that the project has not sufficiently assessed traffic, fire hazards, evacuation routes, water availability, and Land use concerns.

Many of the nearby neighbors are against this project; the owner/applicants have not made sufficient attempts to engage the neighborhood nor was there any outreach at the local East Regional Townhall monthly meetings. There also has been no help from county officials for concessions and/or improve our roads and services. Don't forget we are in a Megadrought and with the Cannabis market has bottomed does this make sense?

Lake County and California in a Mega Drought Period:

The owners/applicants are now proposing to plant 22 acres in addition to the original 120 acres of grapes. This last couple of years, California and the county are experiencing a severe mega drought (a1200 year drought) Are the owners and county not concerned about the water and needing more than the established grape crop takes, and that's for one crop but what about the possibly the three proposed crops? At a district level is being overwhelmed and in disproportion to the rest of Lake county by the permitting of large grows. And a plan of 16 grows to be permitted in the area, this multiples concern, and our lack of water resources.

Where will that water come from? Perhaps Brasfield Winery will supply them with water like they did with the High Valley/Sourz Project (youtube search: sourzhvr), which had caused the water wells and aquifers to go dry watering many acres of marijuana and leaving all their neighbors dry with no water!!

POOR ROADS and Hazardous Dust don't help our HEALTH!

Our paved roads are in poor condition. It is full of potholes and getting narrower because of the weeds and bushes growing on the sides. Public works never even cleans or clears these roads. The last time the edge of the easement was trimmed was about 10 years ago by a prisoner crew. But everything they cut down was left on the sides and no one ever picked

it up, becoming just one more fire hazard.

So, what will this additional traffic cause to its condition? You know it won't be good and the never-ending dust, pollution, garbage, and noise from all the additional traffic will make living here unbearable. It could easily make us want to leave, but my spouse and I are not young anymore and starting over somewhere else would be difficult. But then, that's the county and applicants concern to protest our health and welfare, right?

Traffic /Fire Hazards/Safety/Evacuation Routes

Access to the project off High Valley Road passes through a tight blind intersection by the busy Eastlake Elementary School, and within a few hundred feet, becomes a one-way in/one way out access to the communities of High Valley and Cerrito/Alta Vista. Cerrito Drive is a winding, steep and (at times) narrow road, no shoulders, which passes through an active residential community.

Cerrito Drive and Alta Vista are not well-maintained and are not listed on the upcoming county 5-Year Maintenance Road Plan. My concerns center up to 150 vehicles per day during the height of fire season, in a rural community with children. There are no shoulders on the north side, and vegetation is uncontrolled and quite thick at the edge of the road. There is also only one way in-out with no backup evacuation route.

Environment

What about the changes to the environment and Lake, the quality of life? What of the negative effects of additional run off to the lake or poisoning of the aquifers? If the natural springs in our area are poisoned, and drained where we can fish and swim and where will our wild animals get their water. Check out the UGLY TRUTH about CLEARLAKE on youtube. Note, The ridge where one of the crops is planned is visible from Highway below and across from the Riviera violating the scenic ordinance.

Security and Crime compounded by large non-resident workforce And compound, per CEQA INITIAL STUDY (IS 21-15), March 2021, a proposed 100 to upper 150 labor workforces for two to three eight hour shifts 24 hours by seven days coming in and out on our road? Can not imagine what a 150 cars per day, on this road will be like in traffic since we are a very peaceful neighborhood. Also, What about security? The

owners have an empty double wide trailer house and a barn just a few yards from the gate; they do not live in Lake County. More than likely owners will use these structures so close to our properties in their operation, perhaps to provide temporary living quarters for some workers or a place to dry and trim their product? Or more than likely laborers from out of county, will be camping out in their cars like they did when working for the SourzHVR, Inc./Aviona LLC on High Valley Use Permit Grow?

We can see this project promoting additional crime to our neighborhood. We've already had many unsolved break-ins, two deaths, related vineyard auto accidents, fires, and now, we're going to allow a non-resident to operate where we live? There is no mention about security monitoring the hillside when this project goes live.

Inadequate Mitigation of Nuisance for Use Permit

Does the major nuisances that will not be mitigated for this use permit matter to Lake County officials? Do most of the ordinary citizens matter? Or is this a false future promise of a windfall of Cannabis tax revenue (in a declining marijuana market) to benefit impoverished residents related to fire and covid victims? Already the Cannabis taxation has been reduced by 50 percent and the County has trouble collecting related funds and enforcing code-violations.

Will they have burn piles like other grows have had polluting our neighborhood's environment. Who is going to pick up the trash that will invariably be left on the sides of the road? We already have a problem with illegal dumping! We understand there is a new problem-solving task force for Clearlake Oaks funded by the cannabis taxes, but it does not include our area. Why not? The negative influx affects our property values- assessed vs. market values? Will the farm employ mostly local workers so that the money stays in our communities at least? Really, no outreach to the neighborhood by applicants and county officials to satisfy and mitigate potential concerns and nuisances.

Our Nearby Elementary School, poor roads, egress, where's the concessions?

How will the county solve the additional traffic dangers to the children down at the school, 1 mile away, at the blind intersection of High Valley Road and Highway 20? It has been long requested for a stop light and speed humps for this intersection. The slow on our road to prevent the already

existing speeding and keep our kids from being injured or killed? Is the county going to repave Cerrito and Alta Vista Drive? We doubt the steep dirt road past the gate will get watered down so we ask that it gets properly paved to keep noise and dust down. We have only one in and out access. How come a secondary egress is not being planned for this large new development given the traffic, noise, fire and emergency concerns? If this was a new residential development which is equivalent to the proposed use permit, it is required by State Law! Our county and fire chiefs have been advocating for this for a long time.

Additional Wildfire Hazard Concern

You know it is quite easy with the parched weeds along the road for a cigarette to be flicked from a stranger's car (and it has happened before) onto a garbage pile and weeds over growing the edge, could cause a massive fire and with the daily afternoon winds pickup, threatening neighboring districts during our wildfire season. Now, the fires come on a regular yearly basis threatening every time closer to our houses.

Reviewing over the Monte Cristo CEQA:, there is no traffic study done by a traffic engineer. The present hydrology report is very questionable to some experts already. No intent to update, nor attempt to produce an accurate hydrology report prepared by an independent engineering firm. an incorrect and misleading Notice of Intent, and a CEQA document that does not specify adequate mitigation measures to reduce the project's significant traffic, water, egress, odor, dust, biological and cultural resource impacts.

Winning Appeals against Cannabis Use Permits

Already public and local government sentiment is changing against the large grows. we are seeing already several related appeals for Marijuana Use Permits due to concerns of lack of water, inadequate mitigations measures and poor or inadequate CEQA supporting documents:

<https://www.record-bee.com/2021/11/18/bos-denies-planning-commission-approved-cannabis-farm-use-permit/>
<https://www.lakeconews.com/news/71498-clearlake-city-council-to-continue-consideration-of-cannabis-project-appeal>
<https://www.record-bee.com/2021/06/08/lake-county-board-of-supervisors-approves-appeal-for-controversial-cannabis-permit/>
<https://www.lakeconews.com/news/72493-supervisors-to-discuss-county-administrative-officer-recruitment-cannabis-project-appeal>

Monte Cristo use permit would be one of the next biggest grows but located too close to a residential area and school nearby. We will be faced, if approved with nearby wells drying out, living with caustic dust, debris, noise, light at nights, and contributing to toxic run-off into the Lake. There are no concession nor mitigations for the above nuisances from the county and/or applicant, ultimately wreaking havoc on residents and their livelihood in the process.

If this was in your project was in your backyard, would you approve of it? If it is not clear already, for the record, we oppose this large Cannabis Use Permit in its entirety, per the Cerrito Drive and Alta Vista Drive resident owners listed below.

Very Concerned!

The following Neighbors close to the Monte Cristo Major Use Project

Cerrito Drive:

Jane Townsend and Craig Rosenquist
12670 and 12671 Cerrito Drive
13361 E. Highway 20, CLO

Holger Jurgens and Pauline Pavon
12140, 12150 and 12280 Cerrito Drive

Karla Sue Gwynn Yellitz, RN and Jon Terry Yellitz, PE
12023 Cerrito Drive

Justine Kistler
For the Trisha L. Kelfoil Revocable Trust
12289, 12299, 12301, 12311, and 12321 Cerrito Drive

Linda Swesey and Everett Swesey
12391 Cerrito Drive

Kristina DellaValle and Francisco Cafiso
12381 Cerrito Drive

Jane Townsend and Craig Rosenquist
12670 and 12671 Cerrito Drive
13361 E. Highway 20, CLO

Ken Humphrey and Chyrl Humphrey
11751, 12083, and 12173 Cerrito Drive
10929, 10939, and 10949 E. Highway 20

Fabiola Arroyo and Jimmy Arroyo
12523 and 12533 Cerrito Drive

Marie Bjornson and Greg Sammls
12471 and 12491 Cerrito Drive

Alta Vista Drive:

Randall Wilk and Kalim Winata
12297 and 12307 Alta Vista Drive
Clearlake Oaks, CA 95423
Firewise and Community Leader

Sincerely,

A handwritten signature in dark ink, appearing to read "Randall Wilk". The signature is written in a cursive, flowing style.

Randall Wilk and Clearlake Oaks Hillside Neighbors
Resident and Firewise Community Leader

cc: California State Attorney Rob Bonta
cc: Lake County District Attorney Susan Krones
cc: Lake County Board of Supervisors

Addendum:

Staff Report and Initial Study Comments and Concerns:

Per: Adopt Mitigated Negative Declaration for Major Use Permit (UP 21-14) take the following findings: 9. This project is consistent with the land uses in the vicinity

This project is located to close to a residence and a school nearby. Risk substantial!

Approve Major Use Permit with the following findings

3. the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.

Cerrito and Alta Vista have not been maintained for over 20 years which need to be repaved and widened. These streets are neglected, narrow, steep, downslope, overgrown weeds, no shoulders especially around curves. Also, The Staff Report on pg 6 refers to Cerrito Drive as "a county-maintained paved and dirt road." Will the County be paving this road in order to ensure it is up to emergency standards?

4. There are adequate services to serve the project. That can be questionable considering unemployment at an all time low and is very hard to find service people in Lake County.

5. This project is consistent with the Lake County General Plan, Shoreline Communities Area Plan, and Lake County Zoning Ordinance.

Per the field trip the ridge where some of the crops will be is visible and violates the Scenic Lake Ordinance. The impact of high visibility white plastic shielding is extremely glaring; the only way this can be mitigated is to disallow any type of fencing or tarping materials.

Also, why is Early Activation (EA21-14) referred to on page 3 of the Staff Report. Has this project been put under Early Activation?

SECTION I. AESTHETICS

The proposed cannabis operation will not have a substantial adverse effect on the "Scenic Vista" as the project parcels are located in a rural area of the County of Lake and are not located within a known scenic area. Less than Significant Impact

The project is not located in an urbanized area and will not impact a nonurbanized area and/or substantially degrade the existing visual character or quality of public views. Less than Significant Impact

This project is located very close to a residence and a school nearby, Still a High Impact

SECTION III. AIR QUALITY

AQ-5: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt, or an equivalent all-weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited. This is ambiguous and should be clarified specifically on site plan

AQ-6: *All areas subject infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.*
Why should these be gravel, why not asphalt?

[Smell] *The nearest sensitive receptor(s) is a residence located greater than 1,000 feet from the proposed cultivation area. Levels of pollutants associated with cannabis are typically based on odors and dust migration during site preparation, and from odors generated by the plants during maturity. Mitigation measures are proposed that will suppress dust migration and odor release during and after site preparation. Less Than Significant Impact with mitigation measures AQ-1 through AQ-7 added.*

The project parcels are located in a rural area of the County of Lake where the majority of the development is agricultural uses and with limited single family residential dwellings. Therefore, the operation will not result in other emissions (such as those leading to odors or dust) that would adversely affect a substantial number of people. Less Than Significant Impact

Depending on wind conditions and usually wind picks up daily in the afternoon and Cannabis odor can travel over 1 mile, not 1000 ft!

SECTION VIII. GREENHOUSE GAS EMISSIONS *Would the project: All gates will be closed and locked during non-operational hours and/or*

when authorized personnel is not present. The cultivation season for the cultivation of outdoor cannabis will begin on April 15th and end on November 15th of each year. Number of Shift and Employees: o Non-Harvest Season: Two (2) shifts with up to +/- 12-16 employees during peak shift. o Harvest Season: Three (3) shifts with up to 48 employees during peak shift.

Potentially during Harvest Season, that is up to 146 staff per day with 100 to 150 vehicles around. In addition, no intended housing for these laborers, many have been found staying on roads nearby or parking onto private property. Note, Gate #2 has been locked up and laborers have to wait very early in the morning to open gate which inturn disturbs the residents nearby.

SECTION X. HYDROLOGY AND WATER QUALITY Would the project:

HYD-2: The production wells shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed, and monitoring begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

This is not spelled out enough a TBD, To be decided, needs to be nailed down before approval.

The operation would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

This potential Impact is high risk!! This has been proven wrong when considering Sourz project. Wells nearby were drained. An appeal was won against them due to dust, noise, lights, erratic practices and near neighborhood wells and aquifers being drained of their water.

Hydrology Report: page 10

Nearest Known Wells Location Map), there are only four offsite groundwater wells, who's location was identifiable via their well completion reports, that are not owned by MCV. Three of those offsite groundwater

wells are located adjacent to Schindler Creek off of Warrens Way, and were drilled into an alluvial aquifer that is unlike the aquifer(s) under the Project Property (Attachment D: Well Completion Reports for Nearest Known Wells). This leaves us with only one offsite groundwater well that is not owned by MCV and that could be impacted by pumping from MCV's agricultural activities. This well is located directly east of the Project Property at 11651 Cerrito Drive (Lake County APN 006-007-31), approximately 1,900 feet east of groundwater well "D" on the attached Site Plans (Attachment F – Radius of Influence Analysis), and was drilled in 1993 to a depth of 445 feet, but completed at a depth of 332 feet.

When referencing the well locations in the hydrology report, it was stated the only known, near off-site well was just east of the project boundaries. In fact, there are other wells south of well D which are not on the map. Neighbor purchased parcel 006-028-18 in 1997, undeveloped property located 2 parcels south of the Monte Cristo property line. It has an unused well. In 2016, they were approached by the owner of APN 006-028-06 (home located 250 feet from the Monte Cristo property) as their well had run dry, and they were searching for other sources of water. Neighbor was again approached in 2021 by the new owner, with the same issues. Also located within our property is a spring-fed cistern which ran low in the summer of 2021.

As for Water availability the included well tests were taken in Feb. 2021, which is not during a drought month. Well D had the lease amount a water activity at 15 gallons per minute as compared to 24-48 gallons per minute for the other wells.

SECTION XI. LAND USE AND PLANNING Would the project:

The proposed project would not physically divide an established community. There is an existing driveway that serves the site that would need to be improved slightly (widening and surface treatment), however no new roads are needed, and no division of an existing community would occur by this action. No Impact

Question about why is the gate at the beginning of the Parcel which at times is there can be locked can affect residents behind the first gate.

Aesthetics/Visibility and Consistency with Shoreline Area Plan. From the site plan maps, the cannabis project appears to be located on both sides of a ridgeline, with the south side visible from North Drive, around the lake as well as Mt. Konocti, and the north side visible from High Valley Road - both of these roads have been designated Scenic Combining in the Shoreline Area Plan.

Note there is a waterway zoning but this is not addressed nor reported in Site Report. This is significant because zoning is very strict around water ways. Especially, Schindler Creek – Hitch reference and Hitch have been seen spawning this year on the other side of the lake where they hadn't been in years.

Section XIII. NOISE Would the project:

Mitigation Measures: NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.

Why is there an exception for night work. This is ambiguous leading to being allowed the way it is stated.

SECTION XVII. TRANSPORTATION Would the project:

The Project Property is accessed via a private gravel access road off of Cerrito Drive. The project has been reviewed by the County of Lake Department of Public Works, the California Department of Transportation, and Local Fire Protection Districts/CalFire for consistency with all applicable safety regulations and policies. No Adverse comments were received. The applicant will obtain and maintain all the necessary Federal, State and local agency permits for any works that occurs with the right-of-way. Additionally, the applicant will insure all internal existing roadways will meet 4290/4291 requirements, prior to operation (if applicable). Less Than Significant Impact

This is ambiguous since it is not spell out in the sitemap what is considered private and public access.

As proposed, this project will not impact existing emergency access. This is high risk and not mitigated when considering Harvest Season staffing ramping up to 144 laborers with 50 to 100 vehicles at one time thus impeding emergency services to get in an out of an incident. And, this is a major development, why is an egress not considered?

SECTION XX. WILDFIRE If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

The project would not impair an adopted emergency response or evacuation plan as the project parcels are accessed via a private graveled access located off of Cerrito Drive which is a County maintained roadway. The project was circulated to the County of Lake Department of Public Works, the County of Lake Sheriff's Department, the County of Lake Fire Protection District and CalFire for review and commenting.

This is high risk and not mitigated when considering Harvest Season staffing ramping up to 144 laborers with 50 vehicles per shift thus impeding emergency services to get in an out of an incident. And, this is a major development, why is an egress not considered?

The County of Lake did not reverse any adverse impacts. [REVERSE???] The property is located within the State Responsibility Area (SRA) and is in a 'Moderate to High' Fire Hazard Severity Zone. The site has an average cross slope less than 20% and has a moderate fuel load but the cultivation area will be clear of vegetation. All vegetation on the property will be routinely maintained in accordance to all Federal, State and local agency requirements, including Chapter 13 of the County of Lake Code. Prior to operations, all existing and proposed accessway will be improved to all Federal, State and local agency requirements. Less Than Significant Impact

This is Significant impact when considering the Cannabis Harvest (Potential of tall fields and indoor grows vs the original vineyards) can be very flammable at the time of Wildfire season causing High Fire Hazard Zone.

SECTION V. CULTURAL RESOURCES

Conclusion to Mitigation questionable and of concern:

Clearlake Region is the oldest area for Tribal sites and very dense area for site findings in North American. For every mile along the lake a 38 acre site. For example the oldest artifact is an Abyssinian knife from 21,000 years ago! Given the cultural/information in the report. The Cultural Report in Attachment 1 (pg 43) includes a 1989 survey that identifies 3 sites, and also shows the emails to Elem were not delivered. The Habematol response provided a mailing address for a contact in Elem, but there is no record of having contacted that person. It would be highly recommended that this be peer reviewed.

In summary from the Staff Report and Initial, I feel there are still too many, ambiguous statements, errors, lot of information and questions left unanswered for a project this size, still a high impact, and not enough mitigations regarding traffic, potential evacuation issues, proximity to Clearlake Oaks community, neighborhood impacts, water availability, aesthetics, and inconsistencies with the Shoreline Area.