

Str. B. Wilde

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May 18, 2010

HAND CARRIED

El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Re: Proposed West Slope Animal Services Facility in Shingle Springs – Negative Declaration, Consideration of Purchase of Real Estate, and Inconsistency With General Plan

Dear Chair and Members of the Board of Supervisors:

First of all, I would like to commend Animal Services, for the important work they do in our County. Second I would like to thank the Board of Supervisors for being careful with the County's funds, and investigating the conversion of a foreclosed building for use as the new West Slope Animal Shelter. Unfortunately, this foreclosed building is near to three residential neighborhoods, and as an Animal Shelter by nature will generate noise levels incompatible with residential uses, I oppose this proposed location, which is not consistent with the County's General Plan.

I testified at the Planning Commission meeting this past Thursday and I request that the minutes regarding my testimony be corrected, consistent with the tape recording made by the County. I spoke about how the previous Barnett Business Park approvals were not consistent with the 1996 or present General Plan, and those impacts on adjacent residential neighborhoods plus this proposal constitute Cumulative Impacts under CEQA, and how that issue has not been adequately considered.

As you are the legislative body who may approve this project, and you have not yet taken action on the Negative Declaration, my comments and written correspondence must be placed in the record, even though the formal comment period has closed, as provided for in the Galante Vineyards vs. Monterey Peninsula Water Management District decision, (August 15, 1997) 60 Cal.App.4th 1109. The public has the right to comment on the proposal continually, up until the time the Board makes its final decision.

I am disappointed that there has been no outreach by the County to determine the level of acceptance for the proposed facility by the neighbors. I am further disappointed at the woefully inadequate environmental document, with an extremely sparse Initial Study that does not accurately reflect the number and severity of potentially adverse impacts that should have been identified. As a result of a full and complete Initial Study, the Board should be making a finding that a full Environmental Impact Report (EIR) be drafted, circulated and considered for this project, rather than the proposed Negative Declaration. At a minimum, if enough evidence was placed on the record to show that identified

impacts could be mitigated to a level of insignificance and such findings could be made by the Board, a Mitigated Negative Declaration would then be proposed and eventually adopted. However, your staff has proposed a simple Negative Declaration (no significant impacts) that as I will outline below, is an inappropriate level of review under CEQA and provides the potential for exposure to the County for future litigation.

I love animals, especially dogs, however, neither myself, nor my neighbors wish to hear dogs barking 24 hours a day in such close proximity to our homes. Unfortunately, there is a high likelihood that some or many of the dogs at this shelter would have been mistreated and will make more noise than nearby pets owned by residents and there will likely be many more of them. The existence of the nearby pets in our neighborhood has proven to me the distance that their barks will travel. As a result I know this facility will have significant noise impacts. I should also note that this is not just another "NIMBY" case of disgruntled citizens. The potential impacts to the public health, safety and welfare that I identify in this letter are real and must be analyzed under CEQA and the County's own guidelines and policies. This would be the case no matter where the County was seeking to locate this facility.

Below are the specific issues with the Initial Study/Negative Declaration:

1. *Project Description*: The description of the project is inadequate. Important details are omitted, including the quantity and type of animals to be housed at the shelter, whether housing will be indoors or outdoors, whether proper veterinarian care will be provide on-site and other factors which are listed subsequently.
2. *Air Quality (Section III)*:
 - b. Standards: There is no discussion of air quality impacts from fecal material and urine of the animals or created by deceased animals (will these animals be sent to a tallow facility, burned, etc?).
 - e. Odors: At a minimum, a mitigation plan and conditions of approval are needed, including standards for the storage and frequency of removal of fecal material and deceased animal and the means to which the facility will be cleaned to prevent such odors.
4. *Hydrology and Water Quality (Section XI)*:
 - a. Water Quality and Discharge: As mentioned, animal facilities must be cleaned on a regular basis. Will such cleaning include hosing down affected areas? If so, where will the fecal material and urine from the animals be discharged (sanitary sewer, storm drainage or on-site facility)? How much fecal material and urine will be discharged? Will there be floor drains in the building leading to the sewer system or drainage system? Will there be traps for hair and grease? How will NPDES requirements be met in either case?
 - f. Degrade Water Quality: Where is the analysis supporting "No Impact" finding? What is the direction of ground water flow? How deep is the first aquifer? The general area has one of the highest water tables in the County. How much urine and feces will be deposited on the ground by the animals? Will rains cause feces or urine residue to reach creeks, storm drainage, or aquifers? What are the impacts on water quality? Can the impacts be mitigated? If so how?

5. *Land Use Planning (Section X):*

b. Conflict with any applicable land use plan,.....including the general plan? It is not reasonable to assert there is “No Impact” of locating an Animal Shelter less than 250 feet from residences, especially with no meaningful study or data to support the finding. Many questions remain unanswered: How many of each type of animal? How much noise will be generated compared to the ambient noise levels at various times of day? What direction will the sound travel? How far away from the facility will the sound be audible, inside or outside of a nearby building?

Conflicts with the General Plan include:

Policy 2.2.5.21 of the General Plan Land Use Element States “Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses” Given the proximity to residential uses in Milton Ranch and Cameron Estates, and the certain noise impacts, this project is not consistent with the General Plan.

Also the Public Health, Safety, and Noise Element of the General Plan, objective 6.5.1 states “Protect existing noise-sensitive developments (e.g., hospitals, schools, churches and *residential*) from new uses that would generate noise levels incompatible with those uses” (emphasis added). As noise levels that are naturally unacceptable to residential uses will come from an Animal Shelter, the proposal is inconsistent with the General Plan.

The details of the approvals of the previous expansion of the Barnett Business Park were not consistent with either the 1996 General Plan or the current General Plan. Please see Section XVIII b. regarding Cumulative Impacts below.

6. *Noise (Section XII):*

a. and c. Please see comments on regarding Section X. Land Use Planning above for comments regarding noise. Standards may be interpreted as the dbm standards in an ordinance, but also as what would be acceptable to a typical occupant of a residence? There is no discussion or analysis provided.

7. *Mandatory Findings of Significance Section XVIII):*

b. The details of the approvals of the previous expansion of the Barnett Business Park were not consistent with either the 1996 General Plan or the current General Plan. The impacts on the nearby residences included the loss of setbacks from residential areas of about 200 feet which should have been required. When you add to this noise from the proposed facility, lack of analysis for the potential for water quality, public health and welfare and land use conflicts that this project contains, coupled with the unacceptable cumulative impacts from the Barnett Business Park on the adjoining residential neighborhoods, requires that significant, responsible and complete environmental analysis be performed for this project. This includes an analysis of cumulative impacts as well.

c. This section needs to be revised after the previous sections are updated to reflect the changes made. For example, if noise is generated at all hours, and people are awakened, is this really a Less Than Significant Impact? This is but one example of the careless nature of the Initial Study, which provides only conclusory comments without the benefit of evidence on the record.

I would encourage the Animal Services department to locate another site which is more in the center of a Commercial/Industrial area and to conduct a proper, thorough and thoughtful environmental analysis (EIR) that will consider all the of the potentially significant impacts from such a use, the chief of which is to not locate such a use adjacent to or in close proximity of residential areas. After all, El Dorado County is vast and we have a lot of county to choose from.

I look forward to your response.

Yours truly,



Bill Wilde
P. O. Box 628
Shingle Springs, Calif. 95682