

**Farren Land Development PD07-0019**

**September 23, 2008**

Cheryl McDougal  
1041 Uplands Drive  
Adjacent Home Owner

To our understanding, the Farrens did not hire a biologist to prepare a professional assessment of New York Creek but rather relied on a 1981 GPS report. According to Michael Barron, a certified biologist report by the Farrens was required. The CEQA document prepared was based on an intermittent creek, and thus, is in error and should be revisited.

During the hearing of August 14<sup>th</sup>, when it was confirmed through the biologist report provided and paid for by the Community that New York Creek was indeed perennial, the County Commissioners looked to the Engineers of the Farrens for guidance as to if this was significant, and went with Bobbi LeBeck's statement that it does not make any difference as the first residence is 200 feet to the stream. Ms. Lebeck went on to say that the 100-foot setback for a road did not matter as they are crossing over the wetland, and will work through the mitigations. However, in actuality, they are not crossing over, but they are crossing through this riparian wetland as a land bridge, and is not in compliance with the required 100-foot setback. As the mitigations required for a perennial stream are much more extensive, they should be disclosed in a revised CEQA document for public review.

Per a telephone call to Building Services of Ed Dorado County on Friday, September 12<sup>th</sup>, a raised road supported by retaining walls higher than 30 inches is considered a structure. Under policy 7.3.3.4, a minimum setback of 50 feet for intermittent streams and 100 feet for perennial streams to a structure are called out.

From consulting with the County, and reading through County policies and procedures, I find per the El Dorado County Interpretive guidelines adopted June 26, 2006,

Development (such as grading, building sites, roads, slopes, primary and secondary structures) must comply with the interim setbacks established by 7.3.3.4.

Per Nancy Haley of the Army Corp of Engineers, the 404B1 guidelines state that the Farrens need to do the following:

- 1) Need to explore all other land access options to the greatest extent possible
- 2) If not possible, they need to minimize impact to the greatest extent possible
- 3) They then need to complete extensive mitigation in line with The Army Corp of Engineer standards

Thus, we need to ask, have other options with less impact to the environment and the community been fully explored prior to this application submittal with the County? If so, the community would like the opportunity to review.

Submitted by Cheryl McDougal  
at Board Hearing of 9/23/08  
#36

Per my conversation with Shaundra Cashdollar of Fish and Game, a 1600 permit needs to be submitted whereby the Fish and Game biologist needs to do an extensive review of potential lake and streambed alterations. She stated that this is an extensive process of which they have high standards to protect the environment and wildlife. Perhaps a review with the Fish and Game would save County and other time and money, and their findings could have been reviewed prior to the perhaps somewhat premature negative CEQA declaration that states that the impact to the environment is insignificant.

In addition to the road and retaining wall being well within 100 feet of New York Creek, the retaining walls and proposed road are right on our property line, with no setback. Per Tom Perso, of El Dorado County Planning and Building Services, a typical setback for a retaining wall to a property line is 10 to 30 feet.

During the last hearing of August 14<sup>th</sup>, Bobbi Lebeck, when questioned as to why the road is placed so close to our residence, responded that we were presented with a more favorable plan of which we rejected. If you refer to the two plans that I submitted in the packet for your review, you will find no difference as to the distance between the road and us. In fact, the difference is that in their proposal to us, they wanted to use a substantial part of our property along our driveway to avoid having to create a land bridge, with a net loss in usable property for us.

In the negative CEQA declaration, it states that it allows for buffers between homes and adjacent uses, but there is no buffer to us. It also states that the glare impact is considered less than significant. With the way the road is currently positioned, the lights from automobile headlights will impede directly into our home.

Therefore, regardless of where the access point is finally determined for this road, we are requesting for the Board to consider, and than stipulate one of the two following options:

1) Require a setback from the road to our property line where it comes in line with our home of 60 feet. In this way, we will have some distance to take the noise, light, dust, lack of privacy away from our home. This should not be an issue for the Farrens as it does not impede on any of their planned buildable lots and actually requires less mature oaks to be taken out OR

2) Lot number 1 is 1.2 acres – the only one that is greater than 1 acre. The portion .2 acre is unusable space as it is the thin slice between the road and our property line. Require the Farren's deed the .2 acres to us, and we will build a privacy wall and plant trees at our expense. It can be deemed as non-buildable other than the privacy wall.

We feel that these two requests are very reasonable, and of no cost to the Farrens.

Thank you,

*Cheryl McDoogie*