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3 February 2009

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

Re: **Z 08-0021, PD 08-0012, TM 08-1472, a.k.a. Indian Creek Subdivision**

Dear Supervisors:

As discussed on page 2 of the Staff Report for this project, Staff believes the project needs a General Plan Amendment to comply with the General Plan. Creating 74 lots, most of which are 1 acre, outside the Community Region in an area with a General Plan designation of LDR is a clear violation of the purpose of planning. As it is, the applicant proposes to apply R1A development standards, and to reduce side yard setbacks from 30 feet to 10 feet. The Planning Commission however, agreed with the applicant, but a final action on the part of the Board to approve an urban project in this rural area is an obvious mistake.

Ignoring for a moment, the potential violation of State planning law, there are a number of other issues within the environmental checklist that clearly violate the California Environmental Quality Act. Here, in no particular order are several of them:

- 1) As noted in the August 4, 2008 letter from the El Dorado Resource Conservation District, "These soils pose **severe limitations for septic fields** due to slow permeabilities, shallow depth of the soils, and steep slopes." At the very least, 1 acre parcels with the types of soils present should be required to develop alternative waste disposal designs, which would reduce the potential for leach field failure and contamination of Indian Creek. The very action of creation of these parcels without sewage connections is analogous to the past actions of El Dorado County in creating the many parcels of Diamond Springs using septic tank waste disposal. After the failure of those systems in the 1960's, the homeowners and the public were obligated to develop a sewer system to avoid public health consequences.
- 2) The *Oak Canopy Analysis of Indian Creek Ranch Project*, by Sycamore Environmental Consultants, calculated the impacts to oak woodlands by estimating the project oak canopy retention rate, after subtracting oak woodlands impacted by roads, building envelopes and defensible space. Septic tank disposal fields are estimated to be between 10 and 18,000 square feet per parcel. The Staff Report (Table 1) estimated only 0.53 acre (approx. 20,000 ft²) would be disturbed in total. I would also note that although building envelopes were used to estimate the extent of tree removal, no building envelopes are proposed for this project.

Submitted by Ray Griffiths
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at Board Hearing of 2/3/09

With no envelopes, it is impossible to accurately estimate the impact to the oak woodlands, as the individual lot owners will decide where to locate their home. The total impact to oak woodlands must be recalculated before the project is allowed to proceed

- 3) In the past, El Dorado County Environmental Health Department has advocated not creating parcels smaller than 5 acres, utilizing on-site waste disposal. Somehow that crude rule-of-thumb has been ignored in the process of preparing the documentation for the Indian Creek Ranch subdivision.

To summarize the actions of creating the proposed subdivision, there are currently 162 acres of A (agriculture) zoning, 5 acres of RE-5 (5 acre minimum) zoning, and 19 acres of R3A (3 acre minimum) zoning. This current zoning would allow the creation of a total of 24 lots by subdivision. Through the magic of Planned Development density bonuses, and using the unbuildable area of the Indian Creek reservoir, wetlands, etc., an additional 51 lots are created out of thin air. This clever ruse avoids obligations of annexing the obviously urban densities into the Placerville Periphery Community Region, and providing necessary urban services such as circulation, sewers and adequate fire protection. While such actions may maximize profits for the applicants, it creates a planning nightmare that will require future public funds to solve. Though term limits mean that this Board of Supervisors may never have to deal with the consequences, I can confidently state that approval of this subdivision will result in public health threats that will require future taxpayer funding.

The preparation of a Mitigated Negative Declaration implies that potential environmental impacts have been mitigated to a level of insignificance. Unfortunately, saying so does not make it so. This project, as proposed, would have a profound impact on the local environment, and the proposed mitigations do not begin to address them.

Thank you for the opportunity to comment on this project.

Sincerely,



Ray P. Griffiths