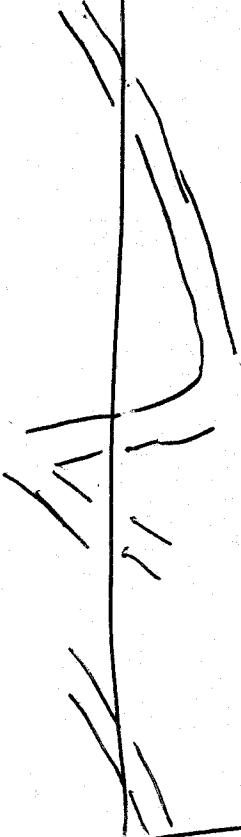


SUBJECT 76 Acres

OLD LOGGING
ROADS



ALLEN
40 Acres

US

(Handed out at
meeting by John Allen)

PC 7/8/10
#10

A N I

ITEM # 10 GP Am / Rezone / Tent Map Christie Brown
Sketch by John Allen showing old logging roads

PC 7/8/10
#10

COMMENTS BY NEIGHBORING PROPERTY OWNER JOHN B. ALLEN TO PROPOSAL:

**BREEDEN ESTATES – CHRISTINE BROWN / CARLTON ENGINEERING
PROPOSED GENERAL PLAN
AMENDMENT/REZONE/TENTATIVE MAP
FILE NUMBER:
APPLICANT: AGENT: REQUEST:
LOCATION:**

RECEIVED
PLANNING DEPARTMENT
10 JUL -6 AM 8:12

A10-0001/Z09-0003/TM09-1488/Breedden Estates-Leoni Road Subdivision
Christine Brown
Carlton Engineering, Inc.

1. General Plan Amendment to amend the land use from Medium-Density Residential (MDR) to Low-Density Residential (LDR).
2. Zone Change from Residential Agricultural-40 (RA-40) to Estate Residential Five-Acre (RE-5), and
3. Tentative Map (Exhibit E) to create 12 residential lots ranging in size from 5 acres to 12 acres.

On the east side of Parkside Drive approximately 165 feet south of the intersection with Winding Way and Winding Way Court, in the Grizzly Flat area, Supervisorial District II (Exhibit A).

APN: ACREAGE: GENERAL PLAN: ZONING: ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

Comments by John B. Allen, owner of 40 Acres to the south, the NW ¼ of the SW ¼ of Section 14, T 9 N., R 13 E. MDB&M; Assessor Parcel Number 041-040-54-100, zoned RA-40, that shares a boundary of nearly ¼ mile with the subject property. My parcel is a prime timber-growing site with three springs and two small meadows. One is a beautiful site of about 2 acres. The soil and climate renders it also suitable for pears, apples, vines and grass, including grazing.

I have been holding it long-term, as a co-owner since about 1975, sole owner with spouse since 1991, for future timber and agricultural use. Contrary to the Agricultural commissioner's report, it has a long past use for forestry, which I consider agriculture. It was logged in the late 1970's, and again around 1990 or 1991. In 2008, it underwent timber stand improvement at great expense through the California Forest Improvement Program, which

resulted in thinning the non-commercial trees to reduce the fire hazard and improve the quality of the remaining stand. I must protect its timber use for the next 8 years, and intend to do so as long as I can. The remaining stand still awaits a commercial thin after recovery of timber prices. I have a portable sawmill, and have removed timber for my own use. I intend to log it from time-to-time. I plan to obtain a Non Industrial Management Plan, for which the work has already begun. This would provide for long-term management, with timber removed for commercial purposes from time-to-time without the need for a Timber Harvest Plan each time. I plan for a caretaker house and a barn.

I also have a farm, and a mini-farm that is tied in with a Community Supported Agriculture Coop (locally-grown, without chemicals). If that endeavor is successful, I have plans in the future to produce fruit and possibly grapes on this 40 acres. I would have to have a house there first for a caretaker. I run a commercial cattle operation, and have plans for some limited grazing on that parcel, most likely to be rented to local residents for horses.

I was one of the remainder owners on the subject parcel at one time, along with another 40 to the west of mine. I had to trade out of three of the 40's in order to retain one. The reason I kept the 40 I did was partly for the springs and meadows and partly because it bordered on USFS on 2 sides and had 2 large parcels on the other 2 sides. I did not want a parcel along a subdivision, which all the other 3 had. I have that at home, and it is a constant problem from trash to trespassing to golf balls to guns to poisonous plants and garbage. On this parcel, I have taken pains to try to block it off from trespassers on ATV's and motorcycles. The soil is highly erosive. I have also seen evidence of homeowners dumping things on it, and have had a problem with illegal dumping below Leoni Road, which access I have had to have blocked off to prevent that. Homeowners are likely to have dogs, which would be a threat to any livestock placed there. Homeowners also introduce noxious weeds that are not present there now, and poisonous plants. Homesites would be more likely to become overgrown on the boundaries, causing a fire safety threat to my parcel. Future homesites will conflict with my timber activities, which involve a certain extend of noise and dust, as well as future agricultural uses. The homeowners will be likely to complain of such activities, limiting their utility. The RA-40 zoning gave me a comfort level that my property would be protected from such impacts.

I do not want negative impacts from homes along my boundary, causing trespass, vehicles, animals, shooting, dumping, or noxious weeds. Only a solid wall will stop that.

Additionally, I am very concerned about water. The CSD cannot serve this area. I am concerned that the wells and water diversion will adversely impact the springs and meadows on my parcel, and perhaps the root-zone water for the trees. I do not want to see the meadow areas reduced, the springs reduced, the root-zone moisture for the trees reduced, or the water polluted.

Two of the sewage disposal areas are close to my parcel and three are upslope from my parcel. I am concerned with chemicals and biological agents that can leach from the homes onto my parcel and the groundwater.

Lots 5, 6, and 7 are proposed along my northerly boundary, and Lots 8 and 9 appear to touch it or its northeastern corner. The impacts of these should be mitigated.

Generally, I question the need and wisdom for such a subdivision versus the trade-offs it requires. A large number of existing lots in the subdivision to the north and west are not built upon.

To mitigate the impacts with which I am concerned for my 40-Acre parcel, I propose that the conditions require the developer do the following.

1. **The Developer shall construct a solid masonry wall along the boundary with my parcel and the homeowners shall maintain it. This is to prevent entry to the 40 Acre to the south of Parcels 5,6,7, and 8 by persons, vehicles, animals, projectiles, solid wastes, and noxious or poisonous weeds. The wall would also serve to absorb noise both ways and would not be affected by falling trees. An alternative would be a wall of the big concrete interlocking Ultra Blocks that weigh 4,000 pounds each. It would prevent most of the potential conflicts both ways.**
2. **The Developer shall pay to monitor the 3 springs and two meadows on the 40 Acre property to the south of Lots 5,6,7 and 8, and if the springflows or meadow areas on the 40 acres to the south of Parcels 5,6,7, and 8 are reduced, of the water in the rootzones of the trees is reduced, the developer will provide water and buried pipes to the sites at no cost to the Owner of the 40 acre**

parcel to recharge them and preserve the springs and meadows and trees. Low flow devices shall be used in the subdivision, and wasting water and irrigation shall be prohibited, to mitigate groundwater draws.

- 3. Include a 50 foot building setback for non-compatible structures for the southerly portion of Parcels 5,6,7, and 8.**
- 4. Owners shall be responsible not to introduce hazardous chemicals and biological agents into their septic systems, if they escape to the 40 Acre property to the south or into the groundwater, will be responsible to remediate the problem.**
- 5. Restrict the burn days for ongoing burning by residents and limit the burning to natural products produced on-site.**

If this is allowed to pass as planned and not properly mitigated, it will negatively impact my plans for my parcel, and push it toward development. If that is allowed, a road should be stubbed out at my parcel to provide access through the subject parcel's roads for future development of it because I will be unable to continue my plans for it.

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Conditions – Comments:

17. Agricultural Setback: The final map shall provide a 50 foot building setback for non-compatible structures for Parcel No.'s 9 and 10. Development Services shall verify the setback on the Final Map prior to filing of the map.

Comment: Add the southerly portion of Parcels 5,6,7, and 8.

42. Water: The applicant shall provide a reliable water source for each proposed parcel that meets the requirements of EDC policy #800-02. A shared well system shall be prohibited for proof of water for the creation of new lots. Where feasible, wells supplying water for domestic residential use should be located on the parcel being served. Wells serving residential parcels may be located on other residential parcels or on designated open space lots within the subdivision, provided that such well and pipeline improvements are located within a designated easement appurtenant to the parcel being served by the well. Easements for well and pipeline

improvements on servient parcels shall be shown on all Final Maps prior to approval and recordation.

Comment: The Developer shall pay pay to monitor the 3 springs and two meadows on the 40 Acre property to the south of Lots 5,6,7 and 8, and if the springflows or meadow areas on the 40 acres to the south of Parcels 5,6,7, and 8 are reduced, of the water in the rootzones of the trees is reduced, the developer will provide water and buried pipes to the sites at no cost to the Owner of the 40 acre parcel to recharge them and preserve the springs and meadows and trees. Low flow devices shall be used in the subdivision, and wasting water and irrigation shall be prohibited, to mitigate groundwater draws.

45. Rule 300 Open Burning: Burning of wastes on-site requires the applicant contact the District prior to the commencement of any burning for necessary burn permit requirements. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire. Project construction shall adhere to District Rule 300 Open Burning.

Comment: Restrict the burn days for ongoing burning by residents and limit the burning to natural products produced on-site.

58. Common Fence/Wall Maintenance: The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).

Comment: The Developer shall construct a solid masonry wall along the boundary with my parcel and the homeowners shall maintain it. This is to prevent entry to the 40 Acre to the south of Parcels 5,6,7, and 8 by persons, vehicles, animals, projectiles, solid wastes, and noxious or poisonous weeds. The wall would also serve to absorb noise both ways and would not be affected by falling trees. An alternative would be a wall of the big concrete interlocking Ultra Blocks that weigh 4,000 pounds each. It would prevent most of the potential conflicts both ways.

Add New Number 76. Owners shall be responsible not to introduce hazardous chemicals and biological agents into their septic systems, if they escape to the 40 Acre property to the south or into the groundwater, will be responsible to remediate the problem.

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FINDINGS

The findings cannot be made as stated, but if the proposed mitigations mentioned above are adopted, those negative impacts and concerns should be mitigated.

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STAFF REPORT

Following are my comments to the specific items.

Adjacent Land Uses: [table] Zoning General Plan Land Use/Improvements

Site

RA-40

MDR

Undeveloped

South

RA-40

MDR/NR

Bureau of Land Management/Undeveloped

Comment: 40-Acre tree farm zoned RA-40 with springs, meadows and future potential agricultural uses.

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
Discussion: The proposed project would not be served by public water. The applicant has provided a letter from the Grizzly Flats Community Services District dated September 18, 2009, which states that the Board is unable to supply water at this time due to the current state of the District's water supply. The project would be served by individual wells.

2. Availability and capacity of public treated water system;

Zoning

General Plan

Land Use/Improvements

Site

RA-40

MDR

Undeveloped

North

R1
HDR
Single Family Residential/Residential

South

RA-40

MDR/NR

Bureau of Land Management/Undeveloped

Add: 40-Acre tree farm zoned RA-40 with springs, meadows and future potential agricultural uses.

East

A

NR

Bureau of Land Management/Undeveloped

West

R1

HDR

Single Family Residential/ResidentialA10-0001/Z09-0003/TM09-1488/Breeden Estates-Leoni Road Subdivision Planning Commission/July 8, 2010 Staff Report, Page 4

Discussion: The project would not have a public treated water system.

8. Septic and leach field capability;

Discussion: The project would be served by individual sewage disposal areas (Exhibit G). Each home would be served by individual septic facilities. Soil test trench evaluations were conducted on the proposed lots throughout the project in 2008. Neither groundwater nor gleyed soil conditions were observed in the profiles of the soil test trenches excavated in and near the identified disposal areas. The soil within the identified disposal areas would be considered to be appropriate for wastewater disposal based on the conditions observed in the soil test trenches. Disposal areas of 12,000 square feet are required for lots greater than 5 acres. Disposal areas have been identified for long-term onsite wastewater disposal for each lot. The sewage disposal feasibility report has been reviewed and approved by the El Dorado County Department of Environmental Management

Comment: I need assurance that heavy metals and biological agents are not introduced onto my property or into the groundwater from the private septic systems.

9. Groundwater capability to support wells;

Discussion: The project would be served by individual domestic water wells. Ground water recharge at the site occurs from rainfall, and aquifer conditions underlying the site are characterized as a fractured igneous/metamorphic bedrock system. Groundwater flow is considered to be governed by topography, subsurface geologic conditions (rock units/aquifers), and geologic contracts. Water wells would be constructed to intersect fracture zones that provide sufficient quantities of water for domestic/residential supply design needs. There would be no known problem areas for water availability at the project site.

Effect on 3 springs on my 40 and the 2 meadows supplied by the springs

11. Important timber production areas:

Discussion: The project is not located in or near an important timber production area.

My parcel and the subject is prime timberland

12. Important agricultural areas; A10-0001/Z09-0003/TM09-1488/Breeden Estates-Leoni Road Subdivision Planning Commission/July 8, 2010 Staff Report, Page 6

Discussion: The Medium Density General Plan Land Use Designation allows for single-family residential development of the project area. The site is presently zoned Residential Agricultural-40 (RA-40). However, the site is not within an active agricultural area, and there are no current agricultural uses. Thus, the site is not considered an important agricultural area.

Soil has potential for orchards and vines

13. Important mineral resource areas;

Discussion: The project is not within a Mineral Resource Zone and would not impact any important mineral resources.

Historic mining occurred in the area, do not know on this site

15. Existing land use patterns;

Discussion: The project area is surrounded by existing residential land uses and by open space. It has been determined that the proposed project would be consistent with existing land use patterns within the immediate project area.

My 40 is open. I picked it because it has large parcels on every side, only one corner adjoins the subdivision. It is being held for timber production and future agricultural use. It has had extensive Timber

Stand Improvement work done, and the intent is to place a Nonindustrial Timber Management Plan on it and to conduct logging periodically with the potential of milling logs on site. It has 3 springs and about 2+ acres in 2 small meadows fed by springs. In addition to timber, future use could include use for grazing and/ or orchards, possibly grapes. A future residence and barns would be built. Residential use of the subject parcel would cause interference by trespassers, shooting, garbage, etc. Also there exists the potential for complaints from homeowners.

17. Important historical/archeological sites;

Discussion: A Cultural Resource Study was prepared for the site. The report identified a potentially significant irrigation ditch at the site; however it was determined to lack integrity. In conclusion, the ditch segment does not appear to be a significant resource for listing on the California Register of Historic Resources. The presence of historical or archeological resources would be remote.

[I agree the ditch is discontinuous.]

General Plan **Policy 2.2.5.21** requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed.

Discussion: The project site is surrounded by both existing and proposed residential land uses, which would be compatible with the proposed development.

This ignores my open space, timber and agricultural uses

General Plan **Policy 5.2.1.2** requires that adequate quantity and quality of water for all uses, including fire protection be provided with proposed development.

Discussion: The Grizzly Flats Community Services District serves the subdivision adjacent to the project; however, due to the District's water supply issues, they would not be providing service to the project. There are fire hydrants along Winding Way. New fire hydrants/standpipes would be required at each residence, along with residential fire sprinklers. All fire sprinklers would meet NPFA 13-D standards and be approved by the Pioneer Fire Protection District. Each parcel would be required to store a minimum of 7,500 gallons of water. Five thousand gallons for fire protection connected to a standpipe, 1,500 gallons dedicated to a fire sprinkler system,

with the remaining 1,000 gallons for domestic use. A generator, with battery back-up would be required as part of the fire protection system.

This could adversely affect the springs and meadows on my 40, and possibly root zone water for trees.

General Plan **Policy 5.2.1.3** requires that all Medium-Density Residential projects be required to connect to either a public water system or to an approved private water system in Rural Centers.

Discussion: The project site has a land use designation of Medium-Density Residential and is located within the Grizzly Flat Rural Center. The project is within the Grizzly Flats Community Services District, a public water service provider. This provider is unable to provide water to the subject site due to lack of resources. The project proposes a General Plan Amendment to amend the land use to Low-Density Residential in order to allow the use of individual wells within a single piece of property. The project would be in compliance with the General Plan upon approval of the proposed amendment.

This could adversely affect the springs and meadows on my 40, and possibly root zone water for trees.

General Plan Policy 5.2.3.4 requires all applications for divisions of land which rely on groundwater for domestic use demonstrate that groundwater is adequate as part of the review and approval process and that the groundwater supply for the project in question is adequate to meet the highest demand associated with the approval in question. A10-0001/Z09-0003/TM09-1488/Breeden Estates-Leoni Road Subdivision Planning Commission/July 8, 2010 Staff Report, Page 8

Discussion: Water wells are required to be constructed to the standards specified in "Water Well Standards", State of California, Department of Water Resources, Bulletin 74-81 (and supplements); and must be capable of providing to each connection a minimum of five (5) gallons per minute, either from the well itself or a combination of well and storage, at a minimum of fifteen (15) pounds persquareinchpressure

Twowaterwellsconstructedtodomesticsupplywellspecificationsexist on the property, and during March of 2009 the wells were pump-tested to verify production over a 24-hour period. The reported stabilized water level pumping rates at the end of the 24-hour pumping period were 6.06 and 12.03 gallons per minute. The property owner would be required to demonstrate to the satisfaction of the Environmental Management Department that a safe

and reliable water source could be provide to each parcel prior to filing Final Map.

This could adversely affect the springs and meadows on my 40, and possibly root zone water for trees.

As required by General Plan Policy 5.7.1.1, the applicant would be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: The Pioneer Fire Protection District would provide fire protection service to the project site. A Fire Safe Plan has been prepared for the project, which requires water storage, fire hydrant placement, and fire sprinklers to ensure adequate fire protection infrastructure.

This could adversely affect the springs and meadows on my 40, and possibly root zone water for trees.

General Plan Policy 8.1.3.1 requires buffers between Agriculturally Zoned lands and requires buffering from increases in density on adjacent lands by requiring a minimum of 10 acres for parcels created adjacent to these lands.

Discussion: Property to the east and south are zoned Agriculture (A) and Residential Agricultural- 40 (RA-40), with land use designations of Natural Resources (NR). Parcel No.'s 9 and 10 are to be greater than 10 acres in size.

Need buffers between Parcels 5,6,7, and 8 and my 40-Acre tree farm to the South.

General Plan Policy 8.1.4.1 requires the County Agriculture Commission review all discretionary development applications involving land zoned or designated agriculture.

Discussion: The Agricultural Commission reviewed the project on April 14, 2010 (Exhibit I) and made the following findings:

1. The project will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;
2. The project will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
3. The project will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Total Oak Canopy to Be Removed (acres)

Canopy Removed for Road Improvements (acres)

Canopy Removed for Leach Field (acres)

0.73

0.31

0.42A10-0001/Z09-0003/TM09-1488/Breeden Estates-Leoni Road

Subdivision Planning Commission/July 8, 2010 Staff Report, Page 10

The Commission did recommend that Lot No's. 9 and 10 be rezoned RE-10 due to the larger parcel sizes. The overall density of the project would be consistent with proposed LDR land use, with 10 of the parcels falling within the 5 acre range. The two larger parcels are required due to their adjacency to agricultural zoned land. Planning staff believes the proposed RE-5 zoning would be appropriate for the site.

Comment: The Agricultural Commissioner was not aware of the proposed future uses for my parcel. The minimum size of 10 acres was should be applied north of my 40-Acre parcel..

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MITIGATED NEGATIVE DECLARATION – Comments

ENVIRONMENTAL FACTORS CHECKLIST omits agriculture and forestry resources.

Surrounding land uses omits my agriculture and forestry

Part II Agricultural and Forest Resources, the finding of no impact is incorrect.

b. This is marked wrong, it would conflict with the existing forestry and future agricultural uses on my parcel, which is zoned RA-40.

d. It would conflict with the forestry uses on my parcel and could cause it to have to shift to subdivided residential uses.

e. Same as b and d.

III Air Quality.

This fails to address residential burning of wood, forest litter and yard waste.

IV Biological Resources

b. The extraction of groundwater could negatively impact the 3 springs and two meadows on my parcel. Also chemicals and biological agents

could be introduced from homeowner waste not being contained by the septic systems. Homeowners are allowed to use chemicals banned for commercial use and there is no control over what goes down the drain including chemicals and biological agents.

VII Greenhouse Gas Emissions.

With only a general discussion and nothing specific to the proposed uses, this analysis fails to address emissions from burning wood, forest and yard waste.

VII Hazards and Hazardous Materials

It is not able that homeowners are allowed to purchase and use materials that are hazardous, and denied to quantity users.

XI Hydrology and Groundwater quality

b. My concern is an impact on the three springs and two meadows on my parcels. These impacts were not considered or discussed. There is no information mentioned and probably no information known that shows that there will be no drying impact on the springs and meadow areas.

e. Since there will be less infiltration on the developed sites, how will the water that is shed from pavement and roofs be reabsorbed and not allowed to concentrate. My parcel is downslope of three of the proposed parcels and contains highly erosive soil.

XI Mineral Resources.

I do not think the finding can be correct that there are no known mineral resources. Grizzly Flat began as a mining town, mining ditches exist, and there was once a divided mineral right that is supposed to be gone now. However, I have no plans to mine.

XII Noise

D. I do not think a finding can be made that the long-term noise levels will not increase beyond the thresholds. How are the thresholds at my parcel estimated? Certainly the noises will exceed those in a quiet forest and will be more constant; there will be cars, engines, motors, radios, TV's children, dogs, hammering, and all sorts of new noises introduced from residential use.

e-f. The finding that there will be no aircraft noise because there is no airport is incorrect. I use aircraft to patrol my parcel.

XV Recreation. There is no discussion of displacement of recreational uses onto neighboring parcels, specifically mine.

XVI. Traffic.

c. It does not follow that because the project is not located near an airport there will be no impact on air traffic. I patrol my parcel from the air; it will require me to fly higher or further south.

XVII Utilities and Service Systems

d. This does not mention how to mitigate impact on groundwater through use of low flow devices (preferably composting toilets) and limits on outdoor irrigation and wasting water should be utilized to reduce depleting groundwater supplies and overburdening septic systems.

f & g. Due to past problems with dumping, residences should be required to utilize the solid waste disposal and recycling services. No mention is made of burning.

XVIII Mandatory Findings of Significance.

b. This project will have the effect of pushing my parcel toward subdivision and residential use due to conflicts in use after this project is built. It is not compatible with my adjoining land use and future uses.