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BOARD OF SUPERVISORS
EL DORADO COUNTY

ROBERT A. LAURIE

September 19, 2008

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

Re: Farren Subdivision

Dear Board Members:

On your agenda for September 23, 2008, you will hear the application of my clients Steve and Tina Farren for a 12 parcel subdivision in the Salmon Falls area. I wish to summarize the issues as I understand them to be.

1. General Plan Consistency. The project is fully consistent with the General Plan and zoning regulations including the application of the density bonus formula. This should not be an issue.
2. Access. The project takes access on Uplands Drive which is a public roadway created to serve the adjacent subdivision. As constructed, Uplands Drive was specifically designed to serve the future development of the Farren property. The neighbors argue that access should be taken off of Salmon Falls Road. However, DoT opposes Salmon Falls access for both safety and environmental reasons.

3. Public Open-Space. The project sets aside 15.4 acres or nearly 44% of the total acreage as permanent open-space. Some neighbors are demanding rights of access to the open-space. The Density Bonus provisions require the open-space to be made available for "public benefit". In this case, the open-space areas are environmentally valuable, including a wetlands area. It is not intended that such areas be utilized for public recreation. According to the General Plan (Section 2.2.4.1 (C)), "Public Benefit" means, "...those lands made available to the general public including but not limited to open-space areas, parks and wildlife habitat areas". Most certainly, the public benefits from such areas without the ability to access such. In some cases, such access would be inconsistent with the open-space purpose, for example, such as in those cases where of a set-aside for a wildlife habitat. The County has consistently interpreted the "public benefit" requirement as not requiring "public access". That policy should continue to apply in this case.

4. Length of the Cul-de-sac. The neighbors object to the length of the cul-de-sac. The Fire Department has approved the design based upon specific design measures being proposed to by the applicant including no secondary dwellings and the requirement of sprinklers within each unit.

5. Perennial or Intermittent Status of New York Creek. The applicant' s wetlands study classifies New York Creek as intermittent in the area of the project. The neighbors introduced a letter from a wetland consultant arguing that New York Creek is perennial and not intermittent even though the creek is identified as intermittent pursuant to the policies of the County General Plan. The opinion of the neighbor' s consultant is based upon his analysis of a downstream property. Regardless, the General Plan would require no more than a 100' setback and that is achieved throughout this project. Accordingly, the applicant rejects any determination that New York Creek in this area is perennial; nevertheless, setback requirements would still be met.

We are looking forward to presenting the project to you on the 23d. Thank you for your consideration.

Very truly yours,



ROBERT A. LAURIE