



Ken Greenwood  
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03/31/2009 11:16 AM

To Ron Briggs <bosfour@co.el-dorado.ca.us>, Ray Nutting  
<bostwo@co.el-dorado.ca.us>, Jack Sweeney  
<bosthree@co.el-dorado.ca.us>, John Knight  
cc  
bcc  
Subject Deny Red Robin Application Item # 25

2009 MAR 31 AM 11:30

BOARD OF SUPERVISORS  
EL DORADO COUNTY

Dear Supervisors,

I will be attending the follow up hearing at the Board of Supervisors today Tuesday, March 31 as I have discovered my original comments on this project submitted last August to the Planning Commission were not included in your packet. I find it disturbing that essential information that is part of the record for this project is not in your possession. Therefore it is included in this e-mail. I apologize for the lateness of these comments, but incorrectly assumed it would be included in the record.

The March 24 letter from the applicants suggests that the application for the 40 Acre piece be DENIED for any consideration. I agree as it is not an appropriate designation. The Planning Commission denied this application outright from all consideration as the property was not suited for such a designation.

However, the applicant asks the 4 Acre be considered for inclusion into the Pollock Pines Community Region (PPCR), be given a "Medium Density Residential" General Plan Designation and therefore be considered for a Parcel Map at a later Public Hearing. While it is a compassionate as it would allow the widow to subdivide her 4 Acres into one additional 2 Acre parcel, expansion of the PPCR is not appropriate. That may not be such a bad thing as she could use a break and she is surrounded by 1 and 2 Acre parcels and there is a 6 inch water main on the property. There may be a way to do this, but NOT by expanding the PPCR!

I am also concerned the applicants call this revision "Phase I" and are obviously still looking to use the 4 Acres as access to some sort of future development on the 40 acres. As Phase I is always "the nose of the camel IN the tent", there is a need to deny this project outright.

The issue is that by including the 4 Acre parcel in the PPCR, the conclusion is that the current boundaries are appropriate for that designation. Due to inadequate fire flows and heavy fuel loading, that designation is NOT APPROPRIATE AND SHOULD END at Sierra Springs, if not Sly Park Hills, or better yet Gold Ridge Forest.

Therefore:

1. I OPPOSE DEVELOPMENT OF THE 40 ACRES AS COMPLETELY INAPPROPRIATE AT ANYTHING OTHER THAN 5 ACRE MINIMUM UNDER THE CURRENT GENERAL PLAN DESIGNATION!
2. I support the finding of the Planning Commission that the 40 acre Parcel is not suited to be included in the "Pollock Pines Community Region"; and
3. At the next "General Plan Update", the boundaries of the Pollock Pines Community

Region should be reconsidered to end at Sierra Springs, if not Sly Park Hills, or better yet Gold Ridge Forest. There is inadequate fire flow to support designation of our area as a "Community Region" per the requirements of the General Plan.

This clear message is: The 40 acres is not suited to any higher density and the "Community Region" area should not be expanded, but contracted! That was the essential action by the Planning Commission and the Supervisors should support this finding.

Thank you,

Ken Greenwood  
Straight Shot Consulting

The following are a summary of my August 2008 comments to the Planning Commission and neighbors of the project:

- Keep it 5 acre minimum! Overall density is far too high of the original proposal on the 40 Acres.
- We already have only 40% of required fire flow available in the main that feeds us from EID "Reservoir A" located above the entrance to Sierra Springs. Hundreds of parcels are already poorly served with fire flows! Why add 20 more? (And 20 more "points of unplanned ignition" and 20 more structures to protect!)
  - The El Dorado County Fire Protection District is suggesting that all will be well under a State Law that allows waivers to 50% Fire flow (their claimed test) with interior sprinklers. Not sure how this helps you and I when the wildland fire comes roaring up Clear Creek!
- Neighbors to this project are already being canceled by their insurance companies due to "High Fire Hazard." Are we neighbors far behind? Do we want our rating to go even lower?
- Due to access, fire hazard and fire flow reasons, this area should have NEVER been included in the "Pollock Pines Community Region" (PPCR) in the first place, much less expanded to include another 20 parcels.
  - The PPCR already has an oversupply of undeveloped parcels good for 150% of the planning horizon of the General Plan (20 years) without 20 more parcels making existing issues worse.
- The proposed "Emergency Access" for Red Robin and Fairglade will benefit a few parcels that could definitely use some help. But the road grading and construction required to do it RIGHT will have a huge impact on the nearby streams (they say they are trying to protect).
  - There is no requirement to improve Red Robin or Fairglade to make the access truly usable, and the access will be blocked by "breakaway gates" (whatever they are). Can your sedan break them, or does it take a fire truck??
- The construction and residential users will utilize Red Robin and Fairglade to access during construction and in the future.

Some more detail...

**WILDFIRE ISSUES:** The wildfire issue is #1 for all of us. The fire people don't like to talk about it much, but "Wildfire Structural Triage" is a reality. Due to safety concerns and limited resources, they will ATTEMPT to save only the homes that they CAN save. This decision is made in 5-10 seconds by the fire truck driver based on clearance, access and escape. They will not endanger their crew to save a house! Therefore you should have a good wide road with 13 foot high, and 10 foot side clearance leading to your home AND the 30 foot and 100 foot clearances around your house or they will drive right by to find those that do (if they even bother to go down your road in the first place!). This is the cold hard reality of wildfire suppression today.

OK, given this policy/reality; with 20 additional houses, the local fire resources will be stretched even thinner in a wildfire. And our "old" access roads don't come close to the 24+ foot paved roads and initial 30-100 foot clearance the "new" development will have. SO, this means they will put their limited resources onto the houses they can protect, and that will be focused on these 20 new houses... Hmm... Doesn't look too good for us "old folks" that have been here a while. (Regardless of whatever happens, there is a really good reason to have as much clearance around your house as possible!)

**FIRE FLOW ISSUES:** The fire Captain tells me Fire Flow is more of an issue with structural protection from "interior fires" as they want to pour lots of water on burning houses. He also says that wildfire needs are less as they fill an engine and then drive off to protect structures and they don't run hose lays off of hydrants. I respectfully disagree with item #2! He also says that the system here was designed to meet the 500 gpm standard of the "old days" (the new standard is 1000 gpm). Therefore, they will allow ADDITIONAL sprinkled development to protect against "interior fires" even though wildfire is really the huge issue! Yes, more lives are lost in house fires, but far more property is lost in wildfires. Where do you want to bet your life savings?

**FIRE ACCESS ISSUES:** The project proposes a road connection to both Red Robin and Fairglade to improve emergency (wildfire) evacuation from the ends of those roads. And that could be a good thing to allow you to get out so they can get to your house with that full fire engine (from that hydrant with the inadequate fire flow). The down side is that the developers want to restrict these routes with "breakaway" gates. The Fire District says NO to these gates as they take TIME to "breakaway" and damage fire engines. That is good, but the Planning Commission and/or the Board of Supervisors routinely override the Fire people on these things because you and I want our privacy and don't want dirt bikes and tourists using them for whatever reason, ETC. So they generally end up gated and locked. Good and bad, but REALLY BAD in a fire! Sure, you have a 4WD, but can the three Honda Civics in front of you break down the gate? You are stuck and all burn as the fire roars over you... Not a pretty picture on your worst day ever!

Additionally, the escape route from Fairglade involves a 120 degree "reverse angle" left turn to "escape" up a fairly steep gravel road to the paved road of the development. No vehicle of any size can realistically make this turn as the angle is too sharp and the roads are too narrow. There is no requirement to fix this "little problem" with the whole plan (it would cost tens of thousands

of \$\$ to make a workable intersection). There is also no requirement to fix/upgrade Red Robin or Fairglade to provide escape from the new development.

Finally there is the big picture problem of Sly Park Road evacuation. While we have it better than say Grizzly Flats, it is still a relatively narrow road with lots of fuel on both sides 3 mile to Pleasant valley and 8 miles to Pollock Pines and hundreds, if not thousands of parcels in need of evacuation in the event of an "Angora Fire" (they were able to escape as the area had lots of wide and interconnected roads. We don't) fueled by 30+ MPH winds and dry fuel.

**LAND USE ISSUES:** The totality of this project is huge! They are not just asking for a 20 unit subdivision with small lots, they want to Amend the General Plan to expand the Community Region another 1/4 mile to include the 20 additional parcels AND amend the General Plan from 5 Acre minimum to 2 acres, AND by clustering lots to allow them to receive credit for "protecting" 13 Acres as "Open Space" that is too steep for development. All very noble, but the WRONG place to do it!

There is no reason to expand the "Pollock Pines Community Region" (PPCR) due to access, fire hazard and fire flow reasons. For these very same reasons, this area should have NEVER been included in the PPCR in the first place, much less expanded to include another 20 parcels.

From a housing supply perspective (beyond the current recession), the PPCR already has an oversupply of undeveloped parcels good for 150% of the planning horizon of the General Plan (20 years) without 20 more parcels added to the oversupply.

Please contact me with any questions. 530-306-6390 or reply to [krq@d-web.com](mailto:krq@d-web.com)

Thank you,

Ken Greenwood



Red Robin MND comments (sent 08-25) corrected doc

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Sent via E-mail August 25, 2008

Pierre Rivas  
El Dorado County Planning Services  
2850 Fairlane Court  
Placerville, CA 95667

Subject: Comments regarding proposed Mitigated Negative Declaration for Red Robin Subdivision:  
TM 07-1459/PD 07-31/A07-14/Z07-45; Environmental Checklist Form and Discussion of Impacts

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Dear Mr. Rivas,

As proposed and described, the Red Robin Subdivision, General Plan Amendment, Rezone and Planned Development will result in unmitigated adverse environmental impacts. The Project will result in degradation of the quality of the environment, conflicts with adjacent residential land uses, degradation of public services to existing residential uses and will endanger the health safety and welfare of the existing residential uses.

The project needs additional effective and feasible mitigation measures, or must be denied as a whole. Consideration of any component of the project separately is not appropriate as the project as a whole is tied to the Tentative Map, Planned Development and General Plan Amendment. CEQA and Planning Law require the project to be considered and analyzed as a whole.

The following are my comments on the above referenced project. I tried to focus my comments on the truly salient issues involved, but have found there are so many inconsistencies, omissions and unclear statements, these comments will be, by necessity, lengthy.

**Summary Statement:**

The goal of the California Environmental Quality Act (CEQA) is to provide full public disclosure of the potentially significant environmental impacts (or effects) and propose mitigation of these impacts to insignificance, or do an Environmental Impact Report and try to mitigate adverse effects to insignificance where feasible and then, if unmitigated effects still remain after all attempts for feasible mitigation have been exhausted, adopt a Statement Of Overriding Considerations for the reasons why it should be done anyway. The proposed Mitigated Negative Declaration MND does not meet the test of the former, so the latter must be implemented.

Whereas, Section 21002 of the Public Resources Code "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." Therefore, as is pointed out below, the MND fails that test and the Project must be denied, or the MND needs to be substantially revised to meet that test, or an EIR must be prepared, then an intelligent decision by the Lead Agency is possible.

Based on the following and existing information in the record, this MND is incomplete as it fails to properly identify, evaluate and mitigate many potentially significant environmental effects such as

water supply for domestic and fire use, public safety, Biological Resources and the project is not consistent with the General Plan.

**The Tough Question:**

The Office of Planning and Research (OPR), asks the following question on their web page for MND preparation:

[http://ceres.ca.gov/topic/env\\_law/ceqa/more/tas/mit\\_neg\\_dec/neg\\_decs.html#negdecs\\_anchor](http://ceres.ca.gov/topic/env_law/ceqa/more/tas/mit_neg_dec/neg_decs.html#negdecs_anchor)

“What level of mitigation or project revision is sufficient to avoid or eliminate a potential significant effect?”

That is a very important question for this Project as the resolution is to install at least two miles of a significantly larger water line to serve the area for domestic and fire flow purposes, do additional off site road improvements and demonstrate adequate septic capability PRIOR to approval.

**PROCESS ISSUES:**

**Initial Consultation and MND Review Flawed:**

The original distribution to agencies was incomplete and there is no record of the project being submitted to the State Clearing House.

Examples of State agencies that were never consulted include:

- California Department of Fish and Game (the project is located in Prime Winter Deer Habitat and offers “Wildlife Corridors” as mitigation for deer.)
- California Department of Forestry and Fire Protection (The property was/is prime Site I and II timber production land, and there was a previous Timber Harvest Plan. Was this plan successfully completed? Are there any outstanding issues?)

The agencies that had legal responsibility and interest were neglected in initial consultation and subsequent opportunity to review the MND were left out of the process. If not only for this, but the myriad of other reasons stated in this letter, this MND needs to be revised and recirculated to provide adequate review. This oversight is unfortunate and a disservice to the applicant and the public.

Suggested Mitigation Measures requires formation of a Homeowner’s Association” and a Notice of Restriction be recorded on the resulting parcels to administer the area wide mitigation measures and the open space lot. Where has this successfully been accomplished in El Dorado County on this small a scale? Again, what will the county do if the measures are ignored? Is there recourse? Therefore, this and all the other proposed mitigation measures are not realistic or feasible. Therefore this MND is inadequate as the proposed mitigation measures are neither feasible nor effective.

“Future Studies”: By the time the additional studies are completed, there will certainly be additional feasible and effective mitigation measures that will likely involve long term commitment. Without a meaningful vehicle to implement them for the long term, these too will be meaningless for the above reason.

**MND Document is incomplete:**

Following an exhaustive review of the record, consultation with experts, responsible agencies and neighbors of the project site, I have concluded the proposed Mitigated Negative Declaration is incomplete, inadequate and fails to address many environmental impacts and issues that were raised in the initial review and initial review circulation of this project in November of 2007

There are several omissions of facts and studies that are mandated by Policies and Implementation measures found in the 2004 El Dorado County General Plan. Therefore, El Dorado County must conduct or cause to be conducted the necessary studies to clearly identify, enumerate, evaluate and then be used to develop functional and feasible mitigation measures to reduce these impacts to insignificance for the numerous potentially significant environmental impacts that are clearly associated with this project. These facts and analyses are not found in the record and there is little if any support for the finding that this project will have no significant effect on the environment.

Specifically:

- A noise study is REQUIRED per Policy 6.5.1.2 of the El Dorado County General Plan (and there are additional policies specifically to protect surrounding residential uses from excessive noise). The discussion in the "XI. Noise, Page 15-17" section is meaningless without a noise study to evaluate compliance with General Plan noise standards enumerated in Table 6-2. There is no baseline information to base any conclusion. This project must be put on hold until this required study is conducted and the results can be properly evaluated. Once a noise study is available, it must identify, evaluate and then be used to develop functional and feasible mitigation measures to reduce these impacts to insignificance.
- Other reviewers have found the traffic study is inadequate and realistic traffic generation factors produces much higher ADT and peak hour, thus exceeding the 2% threshold. Therefore, a comprehensive traffic study is needed to fully identify, evaluate and then be used to develop functional and feasible mitigation measures to reduce these impacts to insignificance.
- General Plan Policies requires proof of adequate water supply for all needs.

This is only the tip of the iceberg, but these are vitally important impacts that have received little or no evaluation.

**Inappropriate Land Use for the Area:**

In the proposed Mitigated Negative Declaration the County's consideration of whether the proposed land use is appropriate for the area is limited to whether the proposed use conforms to uses permissible under the General Plan. This is too limited an assessment. The established uses in the area are small lot rural residences that are underserved by water resources and reasonable access.

There has been no consideration of alternative locations for such a residential development WITHIN the Pollock Pines Community Region (PPCR). There are other 40 acre parcels within the existing boundaries that likely have better water service. This is not considered.

**Timberland Conversion Policy:**

There is no mention of the previous ownership of this parcel by the USFS and the full scale logging activity within the last 6-10 years. The applicant or their predecessors hopefully applied for and received approval for a Timber Harvest Plan (THP) from the California Department of Forestry and Fire Protection (CDFFP) to harvest timber from these 40 acres. They subsequently removed the majority of the understory vegetation on the site with heavy equipment. Isn't this a violation of General Plan policies in advance of a discretionary application?

There are many General Plan Policies that coulda-woulda-shoulda been applied to El Dorado County Review of the project. They have not. Approval of a project requires consistency with the entire General Plan, not just selected policies.

#### **MND ISSUES:**

##### **Project Description Unclear:**

Page 3, Item 2 of the MND says, "All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts."

##### **Traffic Study needed:**

~~The traffic analysis is incomplete as ...~~

##### **Surrounding Land Use:**

~~On Page one, the surrounding land use is not adequately represented by this table and later in the text...~~

##### **Environmental Setting:**

The project area has been subjected to a THP in the recent past.

##### **Comment/Issue Summary:**

There are so many issues that have not been adequately addressed in the individual discussions, that it would be difficult to cite them all. The entire discussion section should be closely reviewed and revised by staff prior to any further consideration of this project, and after all the plant and animal studies are done.

##### **IV Biological resources:**

(a.) The future study of these special species is not appropriate. The sensitive plants bloom only in July and August. The studies should have been done last month! Someone could go out and remove them by next year. No construction can take place until the plant study is done.

(b-c) **Potentially significant impact unless mitigation incorporation.** Grading and construction Setbacks from streams do in fact protect water quality. However, the proposed "mitigation measure" to do so by simply creating an open space lot is not acceptable. There needs to be more clarity of the future management of the vegetative resources on this lot. It is also suggested that CC&R's be included for the long term management of the open space. Is this the appropriate means?



**Suggested Mitigation Measure:** The applicant shall dedicate an open space easement 50 feet from centerline of the onsite stream. Non-mechanized Fuel management activities as approved by the California Department of forestry and Fire Protection shall be allowed within this setback. A Zone of Benefit or some other means should be applied to the project area to manage trees and open space.

(d) Page 12 **Potentially significant impact unless mitigation incorporation.** The project area is designated "critical winter range" for the "Grizzly Flat" deer herd. The above open space lot and low fencing are designed to provide mitigation, but there is no CDG&G initial input to suggest that is acceptable, and the Project does not appear to have been submitted to the State Clearing House (SCH) for the required 30 day review by Responsible state agencies.

(e-f) **Potentially significant impact unless mitigation incorporation.** The project is in conflict with the tree preservation policy as discussed earlier.

Finally, El Dorado County failed to include CDFG in their initial consultation both in November 29, 2007 and by not distributing this to the SCH. Recirculate the MND to the SCH.

#### **VI Geology and soils:**

(b) **Potentially significant impact unless mitigation incorporation.** Runoff to the Fairglade road crossing could undermine that fill and culvert. The Department of Transportation needs to review the Hydrology report for this impact. There also needs to be a determination of the impacts of the wholesale removal of understory vegetation on erosion, runoff and water quality.

#### **VII Hazards and Hazardous materials:**

(g) **Potentially significant impact unless mitigation incorporation.** The Fire access and evacuation discussion is severely flawed. The escape route from Fairglade involves a 120 degree "reverse angle" left turn to "escape" up a fairly steep gravel road to the paved road of the development. No vehicle of any size can realistically make this turn as the angle is too sharp and the roads are too narrow. There is no requirement to fix this "little problem" with the whole plan (it would cost tens of thousands of dollars to make a workable intersection). There is also no requirement to fix/upgrade Red Robin or Fairglade to provide escape from the new development.

#### **VIII Hydrology and Water Quality:**

##### **Water Resources:**

(a) **Potentially significant impact unless mitigation incorporation.**

**Suggested Mitigation:** Stop now and do a complete water quality study to determine the impacts of septic systems on adjacent wells.

##### **Water use:**

**Potentially significant impact unless mitigation incorporation.**

General Plan Policy 5.2.1.2 says: "An adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development." According to EID, this project is poorly served with water of adequate volume and pressure for required fire flows. The fix is a complete replacement of over two miles of water line!

**Suggested Mitigation:** No new parcels in the area served by this water line until it is upgraded. As this is likely infeasible you must deny the project in its totality as GPA allows more parcels.

(c-d) **Potentially significant impact unless mitigation incorporation.** See discussion above in "Soils" regarding increased runoff volumes, increased erosion and channel cutting along Fairglade Road. It is a hydrologic fact that stripping away protective vegetative cover and adding acres of pavement increases runoff volume. The hydrological study is flawed.

**Suggested Mitigation:** Conduct a hydrologic study to quantify increase in runoff and then upgrade design of culvert below at Fairglade Road. Applicant funds any needed upgrades to roadside drainage to protect public investment.

(e) **Potentially significant impact unless mitigation incorporation.** The discussion suggests there are only THREE residences to be constructed and therefore there is no impact. What project are we talking about here? There are 20 residences proposed and the discussion is not in tune to this fact.

**Suggestion: Revise and redistribute this MND!**

(f) **Potentially significant impact unless mitigation incorporation.** The use of Community Septic versus on site disposal has not been adequately addressed. Therefore the project needs to analyze this PRIOR to approval so a logical decision can be made.

#### **IX Land use Planning:**

(a) **Potentially significant impact unless mitigation incorporation.** This project will add residential lots to the PPCR and the discussion states the PPCR has an abundance of lots. Therefore the conclusion SHOULD be the PROJECT IS NOT NEEDED AND SHOULD BE DENIED.

(b) **Potentially significant impact unless mitigation incorporation.** The project itself is not consistent with the General Plan, specifically the need to provide all vital public services to a Community Region, much to less expand it. The narrative suggests the project "...will utilize public water without requiring improvements..." There is no evidence in the record to support this claim. In fact, the evidence is that fire flows are inadequate, and that the FPD is willing to trade off INTERIOR fire protection for area wide fire protection. We residents see it entirely differently.

Additionally, the discussion provided does not make sense! **Revise and redistribute this MND!**

**Mitigation:** Review the project again with these ordinances, plans and policies in mind and apply them as appropriate, not selectively.

**XI Noise:** There is a reference to "Rattlesnake Bar Road and Burkett Lane" in the discussion! That is nearly 30 miles away and in no way has the daily traffic flows of Sly Park Road. What is up with that? Are we on the same page? Should we believe the rest of the discussion? Truth is, there will be significant increases in the ambient noise in this normally quiet rural area. Two local single family dwelling construction projects are an ongoing noise impact at this time. I can only imagine the noise from road building and construction of 20 additional residences, much less the daily noise from their ultimate occupancy.

The report suggests construction is limited to 7 AM to & PM. Who do I call when they start working at 5 AM or on Sunday?

**XII Population and Housing:**

**Potentially significant impact unless mitigation incorporated.**

Is there really a need in the PPCR for more housing? Not likely as there as the abundant supply of existing and developable lands WITHIN the existing PPCR NEGATES the need for this expansion of the PPCR. It fails General Plan Policy test for housing needs and expansion of a Community Area. The discussion again states there is adequate public infrastructure to serve the project. There are not adequate size water pipes serving the area! Deny the project.

**XIII Public Services:**

**Potentially significant impact unless mitigation incorporated.** The previously mentioned FIRE water supply/flow issue needs to be addressed OR THE PROJECT MUST BE DENIED. Not sure this finding can be made.

**XV Transportation:**

**Potentially significant impact unless mitigation incorporated.**

(d) The sight distance downhill on Sly Park Road will always be inadequate no matter how many trees are removed. There needs to be eastward expansion of the roadway and earthmoving to accommodate adequate sight distance. This is not addressed.

**XVI Utilities and Service Systems:**

**Potentially significant impact unless mitigation incorporated.**

(d) There is documentation in the record that adequate fire flow (water supply) does not exist for the project. Interior sprinklers do not mitigate this existing impact for the surrounding established land uses. The project

**XVII Mandatory findings of Significance:**

(a) Based on the comments above and substantial evidence in the record, this project will degrade the quality of the environment on and off site. The proposed mitigation measures are inadequate to protect the environment. The project must be revised to eliminate the impacts that cannot be feasibly mitigated. Alternative locations within the PPCR must be explored as there is substantial evidence in the record that alternatives exist to lessen or eliminate the impact of the project.

(b) Based on the comments above and substantial evidence in the record, the project will have substantial adverse effects on human beings faced with the impacts of water supply, emergency services, land use and traffic safety.

Bottom line: Deny the project or upgrade the water line at a minimum.

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Thank you for this opportunity to comment on this document. It has been a rewarding opportunity to use my education and experience as a Planner, Soil Scientist, Hydrologist and neighbor of the project. Resume attached.

Sincerely,

Ken R. Greenwood