



## SIERRA CLUB MARIN GROUP

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October 20, 2005

Community Development Agency (CDA) Attn: Curtis Havel  
3501 Civic Center Drive, Room 308 San Rafael, CA 94903-4157

Re Phillips Land Division 00-9

Dear CDA: Although the Sierra Club asked in our attached June 28 2005 letter to be notified of all development in Stream Conservation Areas (SCAs) and on agriculturally zoned parcels, we were not notified of this Phillips Land Division which definitely involves an ag zoned parcel and which may contemplate a project in the SCA. Since we were not notified of this project, we are thus responding absent most information.

**Re the SCA:** There appears to be a proposed building location that is 100 feet away from the bank of Halleck Creek. However, there is no measurement provided from the edge of any riparian vegetation that may be bordering Halleck Creek. Thus it is not clear whether this building site is inside or outside of the SCA, since the outer border of the SCA is defined as 100 feet from the creek bank *or 50 feet beyond the outer edge of riparian vegetation, whichever is greater*. Since the site appears to be somewhat close to the creek bank, albeit greater than 100 feet, we suggest that a qualified biologist identify any riparian vegetation and measure the shortest distance from the vegetation to the building site to accurately determine if the site, including its proposed septic system is inside or outside the SCA.

**Re the Well:** It is not clear whether the new well that is proposed is inside or outside of the SCA. Only "necessary" water developments are permitted within the SCA. We are not clear how near MMWD water service is but our strong preference is that residential developments hook into MMWD in order that their water use impacts can be monitored. Our experience is that individual residential wells are an invitation either to deplete groundwater resources thus indirectly impacting sensitive habitat or to deplete the underflow of nearby creeks thus directly impacting sensitive habitat. If an MMWD hook up is not reasonably feasible for this one project, then a cumulative analysis study should determine the extent to which hooking up all residential well users in the area would make each individual hook-up reasonably feasible. Without this cumulative analysis, the current system of each individual hook-up being found infeasible would continue forever, as would the resulting impacts to sensitive resources.

**Re Division of Ag land:** It is our understanding that division of ag land is prohibited unless a compelling reason can be verified that such division furthers ag viability on both partitioned parcels. It is hard for us to imagine any circumstances in which a 2-acre parcel would have even a fig leaf of agricultural viability.

Sincerely,

(signature on hard copy)

Gordon Bennett, Chair Sierra Club Marin Group