

August 23, 2010

El Dorado County Department of Transportation
2850 Fairlane Court
Placerville, CA 95667
Attn: Ms. Janet Postlewait, Principal Planner

In response to the Draft Environmental Impact Report Diamond Springs Parkway Project
County of El Dorado, California; State Clearinghouse No. 2997122033,

I would like to address concerns regarding the environmental impact report from Michael Brandman Associates (MBA) in regards to the aesthetics and other issues of this project.

Regarding Scenic Vistas:

The consultant states that “addition of signage and lighted intersection signals would be visually consistent and not degrade the vistas, and the potential removal of existing utility poles and aboveground utility lines would benefit visual quality.” (pg. 4.2-23) They claim that implementing the project would result in less than significant impacts to scenic vistas. Therefore no mitigation is required.

In this DEIR it is stated that, “The County has a broad range of landscapes that change with elevation, creating diverse environments, natural communities, and landforms. Rolling hills dotted with mature oaks and **oak woodlands**, agricultural land, apple orchards and vineyards, evergreen forests and snow-capped mountains, scenic rivers, alpine lakes, and **historic structures** all contribute to the visual character found in the County. This diversity is an important element of El Dorado County’s visual heritage and one that many residents value as part of their quality of life.” (pg. 4.2-1) The proposed area of construction is in a historic area rich with history of the industry that followed the gold rush.

In response to the first question, “*Would the project have the potential to result in a substantial adverse effect on a scenic vista?*”

At the west end of the Western section is an area of parcels that are zoned medium density residential. This is a residential area that sits above the bend of what will be the new proposed intersection of Missouri Flat and the new roadway. Presently those residents have a view of rolling hills and oaks (Picture 7). The proposed project will change the view to a signalized intersection and major roadway similar to the intersection and roadway at Missouri Flat and Forni Road (Picture 8).

The consultant states, “since the addition of signage and lighted intersection signals would be visually consistent and would not degrade scenic vistas, and the potential removal of existing utility poles and aboveground utility lines would benefit visual quality, implementation of the proposed project would result in less than significant impacts to the scenic vistas.” The DEIR fails to clarify what the project is visually consistent with. Altering the Sierra view of this residential area on the hill above the proposed parkway, from a 2 lane rural road with a turn out lane between, to viewing a major intersection, will greatly alter the scenic vista of these homes. There will be an unavoidable and significant impact to the quality of life and property that will be placed on residents adjacent to this proposed lighted, signaled intersection of Missouri Flat and the new Diamond Springs Parkway. CEQA

requires projects to compare what is actually on the ground at the time of the study and not state that it is consistent with changes in the past that were made elsewhere.

Regarding the Western section:

Presently the parking area for the mixed use trail right-a-way starts past the Golden Center strip mall and signalized intersection to where Missouri Flat begins to revert back to a two-lane country road. **(Pictures 1, 2&3)** The trail head is safely accessed through the back of the parking area and from there the path meanders through rural wooded scrub and tree vegetation. **(Picture 4&5)** Creating the new intersection will change the location of the parking to a more urban setting. Pedestrians will be forced to cross the new intersection in order to access the western portion of the trail. Once on this portion of the trail, the trail will parallel part of the new parkway. To access the future eastern portion of the trail, pedestrians will need to cross approximately 6 lanes of roadway then travel along the east side of the new enlarged section of Missouri Flat. **(Figure 1)** The trail head on each side of Missouri Flat will change from an existing rural light industrial setting with trees and shrubs to a high traffic 4 to 6 lane signaled intersection. This will have a significant and unavoidable impact on the safety, experience and attraction of the mixed use trail head. It also appears that the new parkway will cut through a portion of the mixed use trail's right-a-way eliminating future possibilities for a more enhanced trail experience. Page 3-23 of the DEIR states that, "Construction of the Parkway would require right-of-way acquisition along the EDMUT to maintain the minimum 100-foot right-of-way for the SPTC as a potential future rail corridor under the terms of the governing Joint Powers Authority (JPA)." There is nothing in the plans that describe or show how this will be done. It is another item that has been taken out of the public's eye.

Building one mile of new road to bypass an existing 2 lane road does not necessitate 3 lighted, major intersections and a major 50 MPH roadway. This project actually dissects this community and makes it much less walkable. It is in conflict with many of the policies of the 2004 General Plan.

Picture 1:



Picture 2:



Picture 3:



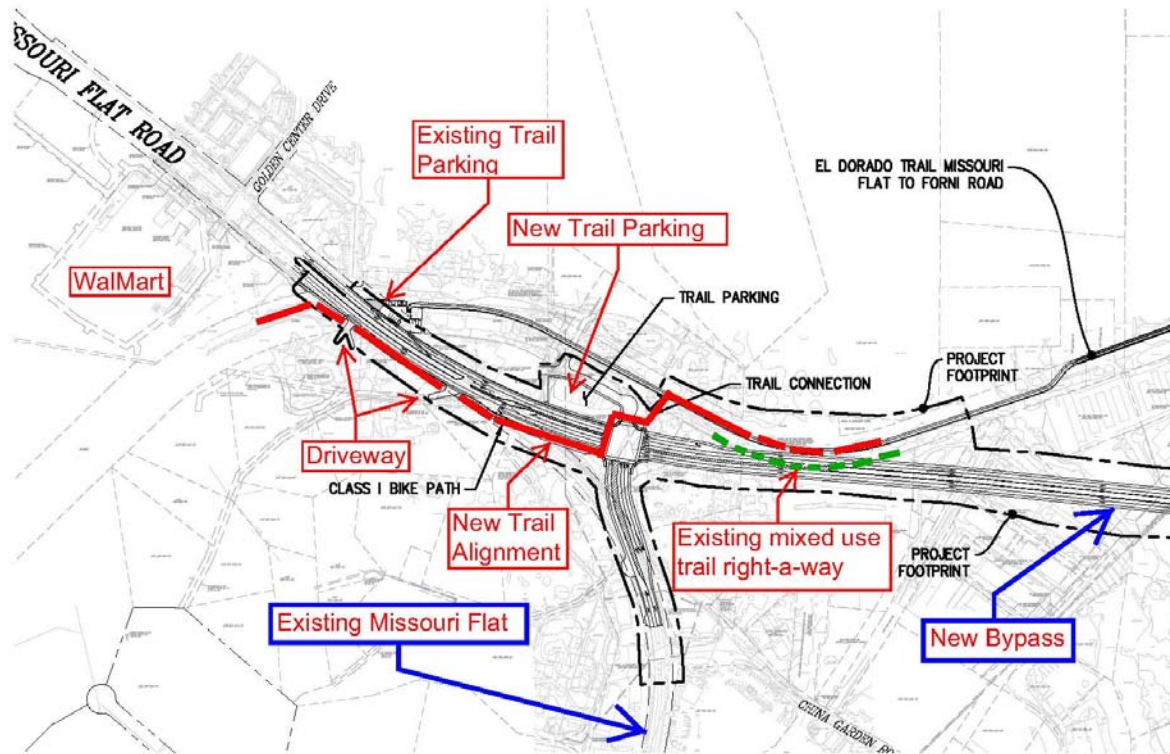
Picture 4:



Picture 5:



Figure 1:



Regarding the Central section:

At present per the DEIR the area’s visual environment is characterized by a mix of wooded areas and commercial/industrial uses.

Historically this section of the proposed parkway has been predominately industrial mixed with historic mill houses along small private roads. To accommodate this project, eminent domain will be used by the county in order to acquire industrial buildings and private property which are in the path of the proposed parkway and associated development. In order to implement this project, these buildings will need to be acquired, demolished, moved or altered. This demolition will have a significant impact to the history and culture of the area. There will be a significant and unavoidable consequence to the quality of life and property of those in the path or adjacent to the new proposed parkway.

The new Diamond Springs Parkway as designed will not fulfill objective 1e (pg. 3-12), which states, “Protect natural resources, including local wetlands, riparian features, and oak woodlands by aligning the project to avoid these features, to the extent feasible, by providing transportation services facilities that cause the least amount of environmental damage and yield environmental benefits wherever feasible.”

This proposed parkway makes no attempt to navigate around existing parcels, vegetation, oak woodlands, nor use existing or historic roadways. The design of the parkway is nothing but a thoughtless sea of asphalt with divided concrete filled dividers which will forever impact and change the visual and natural resources of this area. This DEIR does not mitigate this significant and unavoidable impact. The speed and size of the proposed roadway should be reduced. There should be natural wooded vegetation in the divider, which is in sync with the existing

natural environment. The alignment should be more of a natural alignment with use of existing roadways and topography. There should be separation between the new roadway and the existing mixed use trail's right-a-way [rather than using the right-a-way for a section of the new roadway (figure 1)] with a natural vegetation buffer between to reduce the impact of the visual impact to the pedestrians' experience on the trail.

A historic mill house presently sits on the hill at the location of one of the future intersections.

(Picture 6) The present view of this house is rolling hills and oaks with industrial buildings nestled into the trees and ravine below. **(Picture 7)** The vista for this home is being sliced through with up to 6 lanes of road plus dividers and bike lanes. **(Picture 8 – Future similar view for this house)** Added to this will be three new lighted intersections. This project will have a significant impact on the view shed of many existing parcels.

Picture 6:



Picture 7: (Existing View Shed)



Picture 8: (Proposed Future View Shed)



Regarding the Eastern section:

Per the DEIR this area is “a mix of undeveloped areas with ruderal and wooded vegetation, parking lots, and disturbed areas associated with industrial buildings, and residential frontages.” This section is also part of historic Highway 49. The plan for this section is to add up to 6 lanes parallel to the east of historic Highway 49 leaving the existing section of Highway 49 to create a frontage road for the existing residents along this corridor. At present the majority of the homes on Highway 49 face a 2 lane rural road with a natural setting of rolling hills and wooded oaks. **(Picture 9)** With the proposed project these same homes will be facing 4 to 6 lanes of traffic along with the frontage road. A massive retaining wall will need to be built in order to facilitate the addition of 4 to 6 lanes of roadway plus a bike lane and highway divider which will all be cut into the hillside. The traffic that is impacting the historic town of Diamond Springs plus the added traffic from the projected growth will now be impacting these homes. The traffic that presently backs up on Missouri Flat road at Pleasant Valley will be moved from idling in front of a gas station and community hall to sit idling in front of the homes at Highway 49 (Diamond) and Pleasant Valley Road. This will reduce the air quality in front of these homes.

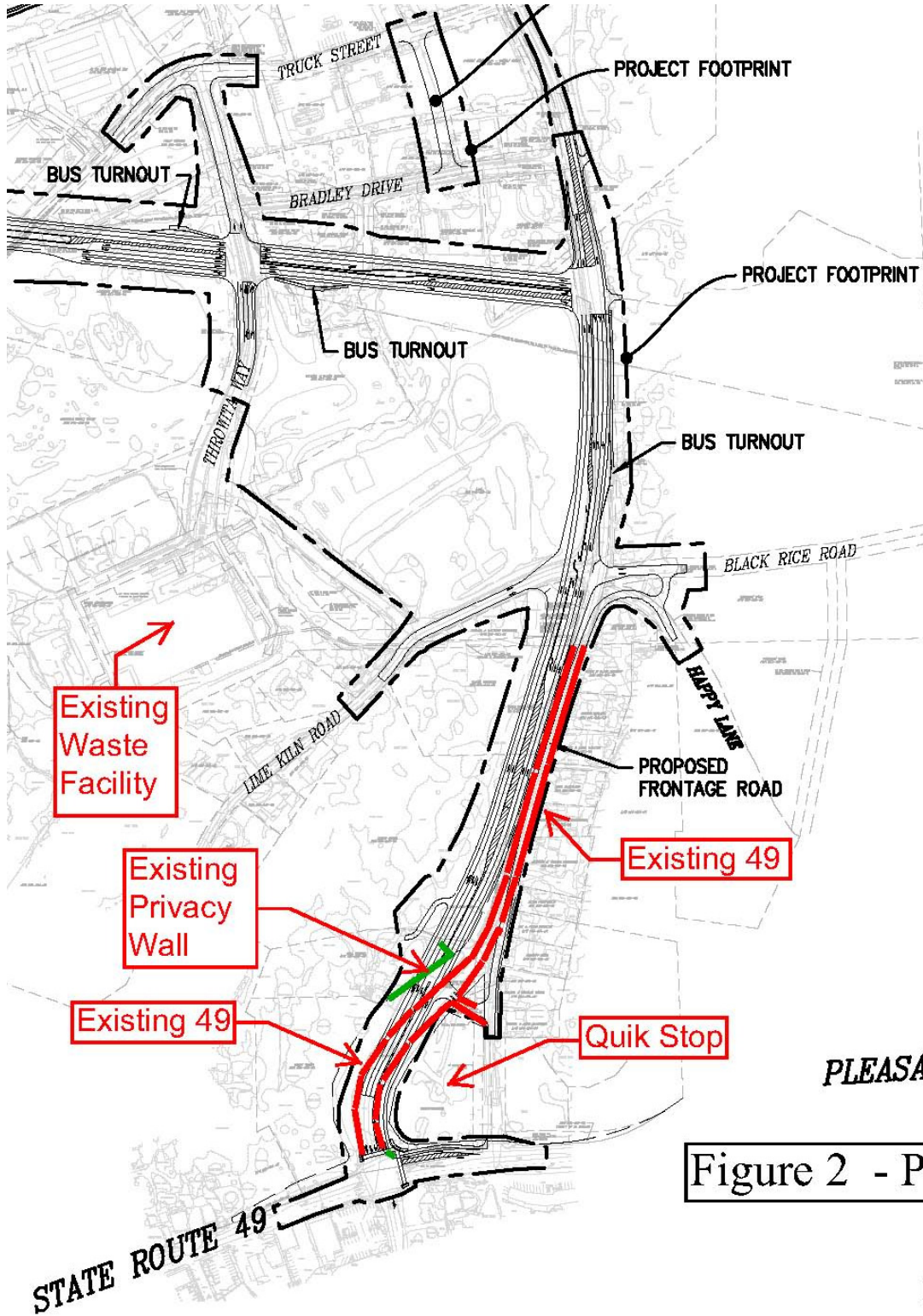
At the beginning of the consultant’s report they refer to El Dorado County’s rural diversity as an important element for visual heritage and one that the residents value as part of their quality of life. Over and over the residents of El Dorado County have voted to retain the county’s rural nature. That is why people have protected these scenic vistas, small towns and landscapes for generations. A four to six lane 50 MPH signalized by-pass is not consistent with El Dorado County’s rural nature.

Two homes close to the gas station and strip mall which was placed on the corner of Pleasant Valley and Highway 49 have been up for sale. **(Pictures 10, 11 & 12)** The value of those homes has decreased since being impacted by the strip mall development **and** traffic being placed adjacent to them. **(Picture 13)** This has had a significant impact on their quality of life. The consultant states that “since views from the residences already consist of a two-lane rural roadway and private stucco wall (approx. 6 feet in height), construction of the proposed project would not be considered a significant alteration of the existing visual character. Accordingly, impacts to visual character would be less than significant.”

The report fails to recognize that the 6 foot wall is not across the street from the majority of these houses. In fact it is located around the home on the hill above the alteration of the Highway 49 and Pleasant Valley intersection. **(Picture 14)** This wall was to mitigate the impact created to that resident when the strip mall intersection/expansion was developed. It should be noted that the new alignment on Highway 49 will actually cut through this privacy wall. **(Green line in Figure 2)**

Altering the view of the homes from a 2 lane rural road to viewing 4 to 7 lanes of roadway plus a bike lane and highway divider and taking out the vegetation and hillside necessary to build this roadway and adding a retaining wall will greatly alter the scenic vista of these homes. Mitigation needs to be in place for the unavoidable and significant impact to the quality of life and property that will be placed on these adjacent residents to this proposed project. Walls are not an acceptable mitigation measure since walls do not comply visually with the rural, cultural or natural environment of El Dorado County.

Figure 2:



Picture 9: Oak filled rolling hill across from existing homes. In the distance is Highway 49's historic appearance.



Picture 10: House for sale by new strip mall



Picture 11: House for sale close to new strip mall



Picture 12: House for sale with attempted privacy wall



Picture 13: New view of strip mall from homes for sale



Picture 14: Privacy wall above widened Highway 49



In response to the second question, *“Would the project have the potential to substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?”*

On December 13, 2001, David Mihalic, Superintendent, Yosemite National Park, National Park Service, before the subcommittee on National Parks, recreation, and public lands, of the house resources committee, concerning H.R. 3425, asked to authorize the secretary of the interior to study the suitability and feasibility of establishing highway 49 in California, known as the ‘Golden Chain Highway’, as a national heritage corridor. One section states, *“The area along Highway 49 retains many Gold Rush-era resources, including two National Historic Landmark Districts in the towns of Columbia and Coloma, and numerous properties and districts that are included on the National Register of Historic Places. The State of California has recognized the significance of this area through the establishment of several State Historic Parks and mining museums, and designation of Highway 49 as a State heritage corridor and a State scenic highway. Many of the towns along Highway 49 retain much of their historic integrity, and have sought to preserve and promote their Gold Rush history.”* I’ve included the entire report. **(Exhibit 1)**

According to General Plan policy 2.6.1.1, “A Scenic Corridor Ordinance shall be prepared and adopted for the purpose of establishing standards for the protection of identified scenic local roads and State highways. The ordinance shall incorporate standards that address at a minimum the following:

- A. Mapped inventory of sensitive views and view sheds within the entire County;
- B. Criteria for designations of scenic corridors;
- C. State Scenic Highway criteria;
- D. Limitations on incompatible land uses;
- E. Design guidelines for project site review, with the exception of single family residential and agricultural uses;
- F. Identification of foreground and background;
- G. Long distance view sheds with the built environment;
- H. Placement of public utility distribution and transmission facilities and wireless communication structures;
- I. A program for visual resource management for various landscape types, including guidelines for and restrictions on ridgeline development;
- J. Residential setbacks established at the 60 CNEL noise contour line along State highways, the local County scenic roads, and along the roads within the Gold Rush Parkway and Action Program;
- K. Restrict sound walls within the foreground area of a scenic corridor;
and
- L. Grading and earthmoving standards for the foreground area.

Policy 2.6.1.2 states, “Until such time as the Scenic Corridor Ordinance is adopted, the County shall review all projects within designated State Scenic Highway corridors for compliance with State criteria.

Policy 2.6.1.3 states, “Discretionary projects reviewed prior to the adoption of the Scenic Corridor Ordinance, that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report, shall be subject to design review, and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been

established. **(I have included exhibit 5.3-1 which shows the entire route of Highway 49 as Caltrans eligible scenic highway – Exhibit 2).**

Policy 2.6.1.5 states, “All development on ridgelines shall be reviewed by the County for potential impacts on visual resources. Visual impacts will be assessed and may require methods such as setbacks, screening, low-glare or directed lighting, automatic light shutoffs, and external color schemes that blend with the surroundings in order to avoid visual breaks to the skyline.

Policy 2.6.1.6 states, “A Scenic Corridor (-SC) Combining Zone District shall be applied to all lands within an identified scenic corridor. (Community participation shall be encouraged in identifying those corridors and developing the regulations.”

Policy 2.6.1.8 states, “In addition to the items referenced in Policy 2.6.1.1, the Scenic Corridor Ordinance shall consider those portions of Highway 49 through El Dorado County that are appropriate for scenic highway designation and pursue nomination for designation as such by Caltrans.

In regards to the Implementation Program of the General Plan the Board of Supervisors were to implement the following measures;

Measure LU-I - to inventory potential scenic corridors and prepare a Scenic Corridor Ordinance, which should include development standards, provisions for avoidance of ridgeline development, and off-premise sign amortization. [Policies 2.6.1.1 through 2.6.1.7] This was to be implemented immediately following the General Plan adoption and an ordinance was to be adopted within 18 months.

Measure LU-J - If segments of State Route 49 are identified as appropriate for State Scenic Highway status during preparation of the Scenic Corridor Ordinance (see Measure LU-I above), prepare documentation in support of having those segments of State Route 49 identified as a State Scenic Highway [Policy 2.6.1.8]. This was to be implemented within 3 years of adopting the General Plan.

Measure LU-K – Develop and maintain an inventory of vacant lands within each Community Region and Rural Center. Work with community groups to identify appropriate uses for such parcels, including residential development and establishment of community amenities. This was to be ongoing.

Goal 2.4 of the General Plan is in regards to Existing Community Identity which states, “Maintain and enhance the character of existing rural and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents.” Within this section there are many policies to be implemented in creating community design guidelines in concert with members of the community, precluded strip mall development in favor of clustered contiguous facilities, and identifying, maintaining, and enhancing of the unique identity of each existing community.

Goal 2.5 of the General Plan is in regards to Community Identity which states, “Carefully planned communities incorporating visual elements which **enhance and maintain the rural character and promote a sense of community.**” Within this section there are many policies to be implemented which deal with setbacks, greenbelts, buffers, developing policies to transfer development rights in order to create community facilities,

avoiding new strip mall locations, clustering of services, and developing design features for new commercial and mixed use developments.

Measure LU-F – Create and adopt Community Design Review standards and guidelines and identify new Community Design Review Districts. This would include working with community groups to develop standards. (Policies 2.4.1.1, 2.4.1.2, and 2.4.1.4). Members were to be seated within 2 years, and boundaries, standards and guidelines were to be established within 5 years of adopting the General Plan.

On 1/11/2007, Senior Planner, Lillian MacLeod made a presentation to the Planning Commission in regards to the designation of the Scenic Corridor as per the requirements of the adopted General Plan. There was much work done on this, (**Exhibit 3,3a,3b**) yet the Planning Commission took no action on that day and to date I have not seen any action taken by the Board of Supervisors to adopt or discuss the Scenic Corridor of Highway 49. On numerous occasions members of the community have made a request to the Board of Supervisors to implement a program to establish a scenic or historical overlay on Highway 49. Having no response confirms the Board of Supervisors intent to avoid the issue allowing build out to take place without regard to the historic and scenic gold rush history and culture. For the Consultants (MBA) to state that since no formal action has been taken to designate Highway 49 as a Scenic Highway leaves the community with no impact is not adequate. As per MBA's report, "that the State of California identifies SR-49 as a potential Scenic Highway" gives knowledge that the potential is there to create a designation that is important enough to have been placed into the General Plan for consideration. Once this new Diamond Springs Parkway is installed, it will create a permanent and significant loss of a historic and scenic piece of Historic Highway 49. Either the elements from the General Plan need to be included in the DEIR or this project should be postponed until implementation of those elements is complete.

Besides avoiding designation of scenic corridors, the Board of Supervisors has also neglected to follow through with "required" Design Standards for the Missouri Flat Area. A consultant was hired to start this process, but was stopped short of completing standards that could be followed by planning staff or community design members. Thus the Missouri Flat area is becoming a hodge podge of design features not fitting in with the cultural or historic nature of the surrounding area, such as the pink stucco Panda Express building.

The county has yet to do much of the work in identifying our agricultural, historical, cultural and natural resources. The county has yet to identify historical sites and landmarks. SB18 states that the county is required to consult our native local tribes whenever they adopt a General Plan amendment. This has not been done. SB18 also requires the county to work with the native local tribes in order to identify sacred cultural sites and set them aside for preservation. In speaking with the local native Miwoks their sites are being destroyed without any consideration by the county. The county has not appropriately dealt with our biological corridors and oak woodlands. In fact at present there is a lawsuit pending in regards to the Oak Woodlands plan that was drafted for the Board of Supervisors by a developer. The county has yet to determine locations for parks, civic centers, recreational activities, nor has a permanent site for a solid and liquid waste disposal facility been located. The county has yet to designate our historic landmarks, roads and districts.

Furthermore the new Diamond Springs Parkway as designed will not fulfill the statements made in objectives 1c – 1e (pg. 3-12) to support the anticipated commercial/retail square footage development identified and planned for in the 1998 MC & FP and the 2004 El Dorado General Plan. The new road will slice through General Plan designated **industrial** parcels not commercially zoned parcels.

If the Board of Supervisors wishes to continue in this endeavor to adopt this alignment of the Diamond Springs Corridor without the implementation of elements of the General Plan vital to the historic nature and the community's sense of place, it will cause a permanent and lasting impact of the historic towns of Diamond Springs and El Dorado.

California planning law requires this Project to conform to the enumerated County General Plan policies, and clearly this project as drafted does not.

MBA states that no new homes will be provided due to this project, yet for this project and the retail development that is being considered to be sustainable, it will take an enormous increase in housing. Therefore, the housing and population impact to the region must be considered in this DEIR.

Having this meeting without much notice to the public, holding the meeting in the summer, having both public meetings on the same day and in the matter this was facilitated this process felt as if there was not much of a desire for true "public" community input. The public was told over and over at the beginning that this project has been in the works for years laying the premise that there is nothing the public can say or do that will change this project. Per CEQA guideline 15201, Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities. The majority of the participants came due to an outreach for local residents. It did not appear that there was an outreach or process for wide public involvement. [Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21000, 21082, 21108, and 21152, Public Resources Code; *Environmental Defense Fund v. Coastside County Water District*, (1972) 27 Cal. App. 3d 695; *People v. County of Kern*, (1974) 39 Cal. App. 3d 830; *County of Inyo v. City of Los Angeles*, (1977) 71 Cal. App. 3d 185.]

My last concern is that Leonard Grado continues to push his projects even though the Diamond Springs and El Dorado Community Advisory Committee let him know that his proposed retail development project was not in keeping with the community's vision. **(Exhibit 4)** If the retail project is denied, is this route as designed truly justified? And since this road is being built to provide for GGV's future retail center, should not the cumulative effect be studied as to what the impact of urbanizing the area will have on the historic town sites of Diamond Springs and El Dorado? When I asked Mr. Brandman if he had considered in his CEQA analysis blight that would be created by diverting traffic from existing businesses and by adding national chains to an already depressed local economy, he stated he has no way of determining that type of impact. The court of appeal determined that agencies must assess the possibility of urban decay when making decisions regarding proposed locations for big box retail centers. [Note: *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1207-1215; compare *Anderson Firs Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.]

I would ask that this Mitigated Negative Declaration be rejected and the project be rejected until a properly written environmental impact document can be composed that will comply with CEQA and the El Dorado County General Plan.

Respectfully,

Sue Taylor
530-391-2190