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March 1, 2011

El Dorado County Board of Supervisors
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RECEIVED
BOARD OF SUPERVISORS
EL DORADO COUNTY

Re: Comments on Mitigated Negative Declaration (MND) for the Harrington Business Park Project (Project),
Rezone Z06-0020/Parcel Map, P05-0004 Harrington Business Park

Dear Board,

This comment letter is written concerning the Mitigated Negative Declaration (MND) for the above Project. My specific comments are set out below, and are focused only on the issues of Agriculture and Forest Resources and Cultural Resources and how the project is out of compliance with the California Environmental Quality Act (CEQA) guidelines. CEQA requires that the impacts of any project be thoroughly analyzed in the DEIR. The DEIR mentions in several areas that the project is consistent with the General Plan; however, consistency with a General Plan is never an excuse to avoid analyzing the environmental impacts of a project. The impacts that must be analyzed are those that will occur on the ground or as a result of activities on the ground, not those that considered in some theoretical General Plan.

Agricultural and Forest Resources

Page 8 of the Environmental Checklist/Discussion of Impacts states, "A substantial adverse effect to Agricultural Resources would occur if:

- There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
- The amount of agricultural land in the County is substantially reduced; or
- Agricultural uses are subjected to impacts from adjacent incompatible land uses."

While the project area is not defined as "Prime," "Unique," or "Importance" according to the County's Farmland Mapping and Monitoring Program it is nonetheless agricultural land, and the proposed business park would indeed convert farmland to non-agricultural uses. The County's own document describes the project area thusly:

"Approximately 10.12 acres of wetlands are located on the project site. This site and the surrounding area is covered with grasses, brush, and trees with slopes up to 30 percent. The existing oak tree canopy coverage at the project site is 32 percent. The existing improvements within the property consists of a single-family residence, barn, reservoirs, cross-fencing, small orchard, old placer tailings, and pastures. Most of the property has been grazed for many years."

This description, by anyone's standards, appropriately and correctly identifies the project area as agricultural/farming/grazing land! To say there would be no impact is obscene and an insult to normal, logical

thinking. Stripping the oak trees and other biological resources from this agricultural land, and then covering it with commercial buildings, paved parking lots and more roadways is the worst possible use for our precious land resources. No mitigation measures are even offered for the horrendous damage that will be done to this property.

Cultural Resources

Even though on Page 14 of the Environmental Checklist/Discussion of Impacts, under "Findings" the report states, "Although the project has the potential to impact sub-surface cultural or historic resources, or disturb human remains located outside of a designated cemetery..." the conclusion is that that disruption is a "less than significant impact."

The only source of any cultural resource study, survey or report is one from May 1997, and does not adequately address the historical resources present, including Scenic Highway 49 which runs directly through the project site. Widening Highway 49 will to four or five lanes will cause a significant impact to the historic corridor of the community. The problem is four lanes going through Diamond Springs and El Dorado will impact existing homes, businesses and historic buildings on this historic highway. El Dorado County has not addressed this cultural/historical issue. It has not been adequately explained how the impact on the historic town of El Dorado and Diamond Springs will be dealt with. The corridor qualifies for a possible historic route; see Measure LU-J below.

The following measures were to be completed one to three years after the adoption of the General Plan and have yet to have been completed in this area:

Measure LU-G: Amend the County Code to establish a Historic Design Review Combining Zone District. Identify suitable areas for application of the district and develop design standards or guidelines for such districts. (Policies 2.4.1.3 and 7.5.2.1 through 7.5.2.4) Identifying potential historic districts was to be done immediately after the adoption of the General Plan. This project straddles a historic/scenic Highway and is between two historic town sites.

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 (Measure LU-I), prepare documentation in support of having those segments of State Route 49 identified as a State Scenic Highway (Policy 2.6.1.8).

Please deny this project; it is not good for the people of our County.

Sincerely,



Sharlene McCaslin

Attachments:

Statement of David Mihalic
EDC Scenic Viewpoints and Highways
Lillian MacLeod memo

STATEMENT OF 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, 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.

December 13, 2001

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H. R. 3425. This bill would 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.

The Department supports this legislation, but will not consider requesting funding for the study in this or the next fiscal year so as to focus available time and resources on completing previously authorized studies. As of now, there are 41 authorized studies that are pending, and we only expect to complete a few of those this year. We caution that our support of this legislation authorizing a study does not necessarily mean that the Department will support designation of this National Heritage Area. The Administration is determined to eliminate the deferred maintenance backlog in national parks, but the costs of new parks or other commitments, such as grants for new National Heritage Areas, could divert funds from taking care of current responsibilities. Furthermore, in order to better plan for the future of our National Parks, we believe that any such studies should carefully examine the full life cycle operation and maintenance costs that would result from each alternative considered.

H. R. 3425 requires the National Park Service to complete a special resource study on the national significance, suitability, and feasibility of establishing Highway 49 in California as a National Heritage Corridor. The study would be done in consultation with affected local governments, the State of California, state and local historic preservation offices, community organizations, and the Golden Chain Council.

The bill would require the study to include an analysis of the significance of Highway 49 in California from the city of Oakhurst in Madera County to the city of Vinton in Plumas County.

The study would examine the lands, structures, and cultural resources within the immediate vicinity of the highway, options for preservation and use of the highway, and options for interpretation of significant features associated with the highway. The bill would also require the study to examine alternatives for preservation of these resources by the private sector.

Highway 49 traverses the area where gold was discovered and mined during the California Gold Rush, and passes through the heart of an area that includes communities with many Gold Rush-related structures and sites. It is the principle route of travel linking these major Gold Rush sites, and provides access to numerous State Historic Parks and museums related to the Gold Rush.

The discovery of and search for gold in California transformed the nation. "Gold fever" was a national experience, spreading throughout the country and the world and precipitating a massive migration to California. The discovery of gold brought California into the United States as the 31st state, preparing the way for the United States to span the width of the North American continent, and accelerating the exploration and settlement of the American West. Legends and literature have expanded the reach of the Gold Rush story, through the work of nationally significant writers such as Mark Twain and Bret Harte.

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.

As we have testified previously before this subcommittee, there are several steps we believe should be taken prior to Congress designating a national heritage area to help ensure that the heritage area is successful. Those steps are:

1. completion of a suitability/feasibility study;
2. public involvement in the suitability/feasibility study;
3. demonstration of widespread public support among heritage area residents for the

proposed designation; and

4. commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

The National Park Service has had some inquiries in the past year from historic preservation groups, non-profit organizations, and business groups seeking additional information about heritage areas in general and a possible Highway 49 Heritage Corridor. A study of the area would allow a determination of the level of support that might exist in the area and would help identify further protection and preservation options. A critical element of the study will be to evaluate the integrity of the resources and the nationally distinctive character of the region before recommending national heritage area designation.

We would suggest a technical amendment to clarify that the city of Vinton is located in Plumas County.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.



**El Dorado County General Plan 1991
Scenic Viewpoints and Highways
within El Dorado County**

LEGEND

- ① Location Number*
- Viewing Area
- ▲ Viewpoint Directional Indicator
- ▣ Caltrans-designated and
Caltrans-designated Scenic Highways

* Location Numbers correspond with Table 5.3-1

Source: U.S.G.S. Chico (1970) and
Sacramento (1970) 1:250,000 Scale

1 inch = 5 Miles



Exhibit 5.3-1

The designation process required adoption of a protection program insuring that the County would maintain the scenic corridors by:

- regulating land use and developmental density,
- creating a review process for land and site planning such as design review or use permits,
- prohibiting off-site and controlling on-site advertising,
- regulating grading and landscaping, and
- requiring review of the appearance and placement of utility structures and equipment, such as cell towers.

The program, usually instituted as an ordinance, required input from affected property owners and interested groups or organizations on the proposed standards and regulations that would be placed on development within the corridor.

A draft *El Dorado County Scenic Highways Ordinance* was prepared in June 1992 (Exhibit C). The process involved community meetings and public input in compliance with State requirements for public involvement. However, the draft ordinance was never officially adopted by the Board. Existing General Plan policies insuring protection until such time as an ordinance was adopted enabled the DTAC to continue to include State Route 89 and that portion of U.S. Highway 50 referenced above into the State Scenic Highway System. Five-year monitoring by the California Department of Transportation (Caltrans) was completed in July 1997 with continued approval based on existing General Plan policies. Further monitoring was stayed under the Writ of Mandate pending the adoption of the 2004 General Plan.

The 1992 draft ordinance included an inventory of views and viewsheds along the U.S. Highway 50 and State Route 49 corridors. State Route 89, which falls under the jurisdiction of the Tahoe Regional Planning Agency (TRPA), is also subject to their design standards as well as shoreland and shorezone development restrictions intended to protect lake and other scenic views. Maintenance and monitoring of TRPA-inventoried viewsheds are currently being regulated under their authority. Once the subject Scenic Corridor Ordinance is adopted, design standards and monitoring of State Route 89 will be regulated by the stricter of the two codes.

Issue #1: What area should be designated as a Scenic Corridor?

As a general rule “if you can see the corridor or resource from the project area, the potential exists for the project to be visible from the same scenic corridor or resource” (*TRPA Basic Scenic Conditions Assessment*). While based on a logical assumption, in practice it would involve site visits by County staff on every permit application within a certain distance from the highway to determine whether a parcel should be subject to the Ordinance. Due to variations in topography, the scenic corridor overlay would have to be expansive in order to capture all parcels that might impact a viewshed. Some parcels with no scenic impact would be included in this arbitrary dimension, potentially subjecting those property owner(s) to proving they are not subject to the Ordinance.

within the scenic corridor, as well as for other non-conforming signs. A County compensation fund must be established for the removal of non-conforming signs as required under State law. As an incentive for removing signs sooner rather than later, the amortization schedule and reimbursement rate could be inversely proportional.

Issue #5: Official tourist sign program.

The ordinance should encourage the use of existing sign programs offered by Caltrans, specifically the Tourist Oriented Directional Signs (TODS) program (Exhibit D). The purpose of the program is to “guide out-of-town travelers to California’s tourist attractions”, such as wineries, gift and craft shops, restaurants, and the like, if they meet certain qualifications. Under the State *Streets and Highways Code* §229.20, “no signs authorized by this chapter shall be posted on any scenic highway, unless the county board of supervisors of the county in which the sign will be placed grants approval. Approval shall be given upon a modification of, and shall be consistent with, any existing corridor protection ordinance.” The Board could consider approving the use of the TODS program concurrent with their adoption of the Ordinance.

Issue #6: What routes should be considered for scenic highway designation?

Under separate consideration, Policy 2.6.1.8 directs staff to pursue scenic highway designation for portions of State Route 49. State Route 49 in its entirety is considered eligible for scenic highway designation by the State. The nomination process will include submittal of an updated visual assessment of viewsheds listed in Table 5.3-1 of the DEIR that were based on the 1992 draft inventory (Exhibit E). A Resolution of Intention must be enacted by the Board as part of the application package. Following approval of the nomination, the Scenic Corridor Ordinance, if adopted, will be submitted to DTAC as the protection program for State Route 49 under the designation process.

Table 5.3-1 lists other scenic viewpoints along U.S. 193 and U.S. 88. U.S. 88 is already an officially designated scenic highway under Amador County’s authority. However, as a portion of the roadway lies on the boundary between both counties, those parcels along the northern side of the corridor would be subject to the El Dorado County Ordinance. The great majority of these parcels are under federal or El Dorado Irrigation District ownership. Five parcels are under separate, private ownership, and several parcels each are under ownership of both Kirkwood Mountain Resort and Sierra-Pacific Industries. As the two companies’ commercial existence relies on the use, maintenance, enhancement and replenishment of natural resources, very little impact should occur on scenic viewsheds from their parcels. However, any proposed development of private property along this corridor would be subject to review under the El Dorado County Scenic Corridor Ordinance.

Caltrans also allows local roadways to be included in the program as long as they meet the criteria for nomination. Table 5.3-1 lists other major County roadways possessing scenic qualities, as well as U.S. 193. The County needs to decide which of these roads, if any, should be included in the *State Scenic Highway System*.

RECOMMENDATION

Provide staff with comments and direction regarding the draft document, as follows:

1. The Commission should discuss whether to pursue utilizing GIS viewshed technology and whether it can be done with County GIS specialists or would require contracting private consultants.
2. The Commission should discuss hiring a consultant to develop the amortization period and rate of reimbursement schedules for billboard removal.
3. The Commission should discuss whether the TODS program is something the County wants to adopt for the scenic highway corridors.
4. The Commission should discuss when the nomination process for SR 49 should begin.
5. The Commission should discuss whether U.S. 193 or any of the major local roadways listed in Table 5.3-1 of the DEIR should be nominated for inclusion within the scenic highway program.

ATTACHMENTS

- Exhibit A: General Plan Policies
Exhibit B: Caltrans Scenic Highways Guidelines
Exhibit C: 1992 Review Draft El Dorado County Scenic Highways Ordinance
Exhibit D: Caltrans TODS program
Exhibit E: DEIR Table 5.3-1: *Important Public Scenic Viewpoints*
Exhibit F: Sample Ordinances:
- Amador County
 - Lake County
 - Nevada County
 - TRPA