

Mr. Roger Trout and
El Dorado County Planning Commission
El Dorado Planning Department
2850 Fairlane Court
Placerville, Calif. 95667

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February 28, 2011

To Mr. Trout and the Planning Commissioners,

I want to express to you my very serious concerns about the rezoning of parcel Z06-0020/Parcel Map P05-0004/Harrington Business Park, identified by APNs 329-280-15 and 329-280-16. This issue is on the agenda for the Planning Commission meeting for March 1, 2011.

I believe **due diligence had not been exercised** in the research and presentation for rezoning of this property. This project has been sitting in the Planning Department for several years, and, because of that delay, which was no fault of the communities involved, **the push to quickly rezone for this project now is simply a desire to pacify landowners and developers involved.** The project is old but the proper work still has not been done for it.

I believe an objective person looking at this rezone request would have very serious concerns that are being overlooked here by County officials, who are only responding to the idea of "get this done quickly." Once again, I feel **developer needs are trumping the good of the community, and officials are once again coming from the point of view that the community is too stupid and uninformed to know what it wants.**

The concerns and questions I have are these, and I would appreciate an answer in writing, as I believe is required at this point in the project process:

1. The project indicates a five foot setback will be maintained from the property line of adjoining residential properties. **Five feet does not allow for a fire lane**, which I believe is the law and fire code in this county. How will proper fire lanes be maintained? Does the area fire department agree to this very small setback?
2. The maps used to present this project **do not correctly show wetlands** involved, and/or minimize them by several acres. **How can so-called mitigation be done when the proper area of wetlands is not recognized?** When will we see an accurate map of the wetlands and specifics of the correct mitigation? What steps have you used to verify that wetlands will not be destroyed when your maps are not accurate? **Destruction or encroachment on wetlands violates CEQA standards.**

3. With only a five foot setback, the type of lighting being used in the development will be extremely close to adjoining residences. **What lighting will be used and at what height will the lighting be?** Will it be directed solely at the development, or will the lighting cause light pollution of the adjoining neighborhood, which is a **serious CEQA violation**?
4. The use of certain types of lighting has been shown in other cases to have a detrimental effect on certain wildlife, specifically owls and nocturnal hunters/feeders. **What mitigation have you done, if any, to assure this nocturnal wildlife is not harmed?** Do you have copies of studies done? If no studies were done, then how was a “neg-dec” possible? If no studies were done, then a draft Environmental Impact Report needs to be done in order to comply with CEQA.
5. **What cumulative impact studies have been done** for this project, as CEQA requires? Planning future cumulative impact studies, after the project is completed or is in progress, does not comply with CEQA’s requirement that **all such studies be completed and reported before the project is underway.**
6. CEQA also requires that the physical effect of a project be evaluated. In this case, a significant increase in traffic in the area can be expected, if, as the developer says, this project is needed. **The County must consider that increased traffic constitutes a physical effect on the area, and falls under CEQA.** Once again, since the project plan includes a traffic signal being installed at the corner of Highway 49 and Patterson Drive, the County and developer must be anticipating greatly increased traffic. What traffic studies have been done and when were they done? If the County is anticipating this much increased traffic, then a draft EIR needs to be done to comply with CEQA’s requirements about physical effects, i.e. vehicle traffic.
7. **Is the estimated \$6,539,000 for the traffic signal already budgeted?** Or will it come out of increased taxes, other agencies’ funds, bonds, etc? With so much money being taken from other departments within the County (Mental Health, Women’s Health, the libraries, etc), how is using that money justified? Who benefits from this traffic signal? Again, where are the studies? **Will the County be borrowing money or be reliant on the state for repayment of funds involved?** If the latter, this County will not see that money in the foreseeable future, and again, the County is left with another shortfall.
8. With little or no clearance from adjoining properties, and especially since wetlands are involved, the CEQA concern about the effects of drainage and riparian problems are a concern. **According to the developer, the wetlands involved on the south side of Highway 49 are the result of a creek, a riparian issue.** If so, how will the drainage be handled so it will not affect adjoining properties? CEQA requires riparian and drainage problems to be

addressed in an EIR. **But since no proper map of wetlands involved has been produced, how will CEQA requirements be met?**

9. Highway 49 will need to be widened in places to allow for turn lanes, shoulders, and curbs, if any are involved. Apparently obtaining this extra land from affected property owners will be done through the process of eminent domain. **If so, does the acquiring and use of this property constitute physical effects to the property owner?** What will be the dust and noise levels and do they constitute the physical effects specified in CEQA? Has anyone done studies and if so, have they been made public?

10. The property on the north side of Highway 49 contains a very large number of huge oak trees, sheltering deer, foxes, raccoons, owls, hawks, and bobcats. **When significant wildlife and specimen vegetation is involved, CEQA requires both a study of cumulative effects and physical affects on that wildlife/vegetation.** Have any studies been done as to how much wildlife will be driven away or will die as a result of their grazing/hunting area being taken away? Have any studies been done as to the result of the oak canopy being removed or at least largely removed? **Why has a “neg-dec”, even a temporary one, been issued without any studies at all? When will the draft EIR be instituted?**

In summary, how can a negative declaration be given to this project without any consideration of CEQA laws? I understand that it is the County's usual process to issue a “neg-dec” at this point in a project, but **citizens have no reliable basis to believe that the County will complete a draft EIR if the zoning is approved. Draft EIR's seem to be skirted by this County whenever possible and when it is thought the public isn't looking. Shoddy work by the County, as you have seen in recent years, draws massive public and legal attention.**

If proper maps are not even available, then how does the County know what they are considering? Are you demanding the maps be redone? How can you re-zone without knowing the legal concerns involved? I believe the pursuit of this project with a temporary negative EIR declaration to be a violation in spirit and word of the CEQA laws, and I will most assuredly pursue that point.

Laurel and Leonard Stroud

Cc: Residents Involved in Positive Planning
Jack Sweeney, El Dorado County Supervisor
Save Our County