

PC 4-24-14  
#8  
9 pages

Placerville Transmission  
2420 Headington Road  
Placerville, Ca 95667  
530-621-4998

April 16, 2014

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PLANNING DEPARTMENT



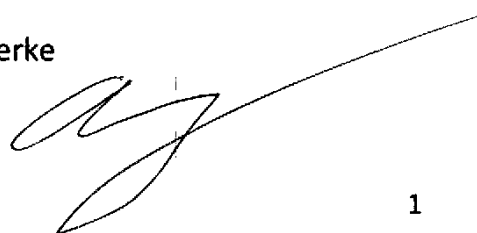
To: El Dorado Planning Commission

I have been following this project for many years. I am not opposed to the new development but I am very concerned of how it may impact my property or business due to the original plans encroaching my property. I believe they are using the same environmental plan dated August of 1998, if not I would like to submit all my concerns outlined in letter 13 of Missouri Flat Area Master Circulation and Funding Plan Volume 3. If any acquisition of land occurs that the setbacks remain at current status, and therefore not lose any parking or structure.

Please consider all my concerns that have been submitted and published in letter 13 volume 3 of the Environmental Impact Report. I would like that letter to still stand in today's current decisions. Also on December 18, 1998, during a supervisor meeting, I had 4 of 5 supervisors tell Randy Paces of D.O.T. that they were to avoid my property and move the intersection.

Thank you

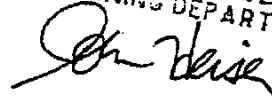
Adolf Zierke



PLACERVILLE TRANSMISSION  
2420 HEADINGTON ROAD  
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98 JUN 16 PM 12:53

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PLANNING DEPARTMENT



6-16-98

TO: Conrad B. Montgomery  
Director of Planning  
2850 Fairlane Court  
Placerville, CA 95667

RE: El Dorado Villages Shopping Center

We have owned the corner lot of Missouri Flat and Headington Road since 1976, with the vision of being placed in a prime location as development occurs. I have successfully ran my business here since 1991. It is of great importance for my business to remain in it's current location, being the corner of Missouri Flat and Headington road. I'm not against the developer developing the land, but I think that they should not be able to strong arm me out of my business or of my prime location.

13-1

We have already spent thousands of dollars and years of man hours working towards our development. We are currently adding on to our building with an open and approved permit with all fees paid.

These are our concerns that we foresee at this point;

- 1) Our encroachment is steep. If Headington road is to be widened, our encroachment would be impossible.

13-2

Possible solutions;

- A) Lower Headington road.
- B) Move our encroachment.

- 2) We have limited parking space, Headington road already takes up some of our land and we cannot afford to lose any more.

13-3

Possible solution;

A) The adjacent land is for sale, possibly the land needed from us to widen Headington road could be reimbursed by returning land to us from that adjacent property.

13-5

3) Our existing building sits twenty feet inset off the property line. Therefore, moving the property line would require a fire wall.

13-4

Possible solution;

A) Firewall Headington road side of the building.

4) My water main comes off of Headington road and would need to be moved.

13-5

5) I also have retaining walls and chain linked fence that would need to be moved.

13-6

6) Headington road moved would also require a change in landscaping and irrigation plans.

13-7

7) Also, if Missouri Flat road is to be widened it would consume more land and cut into our septic system.

13-8

Possible solution;

A) Hook up to county sewer.

8) On the Missouri Flat road side we have underground 400 amp. three-phase service which would need to be dealt with.

13-9

9) The outlet to our storm drain drains to Missouri Flat road.

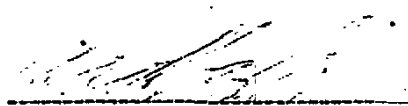
13-10

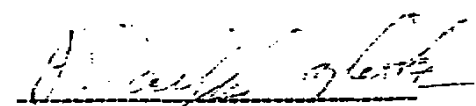
I want to stress the fact that I am not against the development, but I don't believe that big development should be able to shut me out or force me to sell. Also I feel that the developer should bear all costs that we may incur (i.e. sewer, permit fees, T.I.M. fees, engineering fees, construction and materials and any other fees that may occur.) to accommodate their development.

13-11

At this point I see this as a Developers problem-but if the County ignores these issues and allows this development to proceed, it could become an imminent domain and the county will be held liable. Therefore, the issue must be addressed now.

We thank you very much for your time, and want you to know that we are willing to work with you on this project and hope that you will be considerate in accommodating us- "The little guy".

  
Adolf Zierke-business owner

  
Daryle Zierke-property owner

*continued ...*

intersection with Missouri Flat Road and is 40 feet wide along a portion of the commentor's property. The County does not own right-of-way along the eastern portion of the frontage of the commentor's property with Headington Road, but has a prescriptive road easement for this segment.

The commentor is correct in noting that the approach to his property could be affected by the proposed widening. It is anticipated that the Headington Road widening could require the purchase of up to 40 feet of right-of-way from the commentor in order to accommodate the widened roadway along those areas where the County currently has a prescriptive easement. One or both of the commentor's suggested solutions—either lower Headington Road or change the site access locations—could be incorporated into the proposed roadway widening to address the commentor's concerns regarding site access. The extent of the right-of-way acquisition that would be required for the Headington Road widening and solution to any site access concerns would be known once the precise roadway alignment is determined.

- 13-3 The commentor questions whether the land that is for sale next to his property could replace an assumed loss of land and parking spaces on his property that may be needed for El Dorado Villages Shopping Center right-of-way improvements on Headington Road.

Under the MC&FP financing strategy, it is the developer's responsibility to acquire the property required as right-of-way for Headington Road. Although these transactions will be between private parties, it has been assumed in the financial analysis that fair market value would be paid for such acquisitions. Because both parties to such a transaction would be private parties, the commentor would be able to negotiate the terms of such a sale with the developer. Similarly, the commentor would be able to negotiate with the developer regarding possible solutions to the potential loss of parking spaces as a result of the widening of Headington Road, which could include the commentor's suggestion.

- 13-4 The commentor states that, if widening Headington Road is required for the El Dorado Villages Shopping Center, the commentor's business is located in such close proximity to the roadway right-of-way that a fire wall would be required.

Any changes to the commentor's physical property that result from improvements that must be made for the El Dorado Villages Shopping Center would be funded and made by the applicant. It is not contemplated that a fire wall would be required in the event of widening Headington Road.

- 13-5 It is stated that the water main accessing the commentor's property comes from Headington Road and would need to be moved.

13-1

The commentor expresses his desire to continue to operate his business at the corner of Missouri Flat Road and Headington Road and does not wish to be forced from this location.

El Dorado County Planning Department and DOT staff met with the commentor in July 1998 to discuss concerns raised in this letter.

The Missouri Flat MC&FP is not predicated on any existing businesses being forced to close and move. It is assumed that the new alignment of Headington Road and related development can be completed without requiring relocation of existing businesses. However, if such relocation is required, full appraised market value of the site land taken will be paid to the owner.

Currently, the improvements to Headington Road (per draft Conditions of Approval on the El Dorado Villages Shopping Center) include the following:

The [El Dorado Villages Shopping Center] project will require an encroachment permit for access to Headington Road. The encroachment and road terminus shall be subject to Department of Transportation review and approval.

Headington Road along subject frontage shall be improved to a 20-foot half width with curb and gutter, and a dedicated half width right-of-way to 30 feet. The north half of Headington Road shall be improved to a 12-foot width with 4-foot shoulders. The portion of Headington Road between Missouri Flat Road and the project frontage shall be widened to 32 feet with asphalt concrete dike and culverts as needed for drainage.

13-2

The commentor expresses concerns regarding the steepness of the "encroachment" (assumed to mean driveway) of his property, which would, in the commentor's opinion, be impossible if Headington Road is widened. The commentor suggests two solutions to this possible problem: lower Headington Road or move his "encroachment" (i.e., change his site access location).

As discussed in Response to Comment 13-1 above, the portion of Headington Road that fronts on the commentor's property (i.e., the portion between Missouri Flat Road and the El Dorado Villages Shopping Center project site) is proposed to be widened from its existing width of approximately 25 feet to 32 feet, including paved shoulders and drainage culverts. The existing Headington Road right-of-way is approximately 80 feet wide at its

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It is assumed that the commenter is concerned that improvements to Headington Road resulting from the proposed El Dorado Villages Shopping Center project would require relocating the commenter's water main. Page 4.14-18 of the EIR describes the existing water distribution lines in the vicinity of El Dorado Villages Shopping Center, as follows:

El Dorado Villages Shopping Center

EID water infrastructure is located in roadways surrounding and extending into the El Dorado Villages Shopping Center site. An 8-inch water line is located in Plaza Drive, a 6-inch water line in Headington Road adjacent to the northern boundary of the El Dorado Villages Shopping Center site and a 12-inch line is located within Missouri Flat Road along the western boundary of the site. Plaza Drive, a roadway which extends northeast off of Missouri Flat Road into the El Dorado Villages Shopping Center site, has an 8-inch water line which currently provides service to a fast food restaurant to the north.

Page 4.14-28 of in the EIR describes the El Dorado Villages Shopping Center would impact to water distribution facilities, as follows:

El Dorado Villages Shopping Center

As presented in an April 9, 1998, [Facility Improvement Letter] FIL prepared by [El Dorado Irrigation District] EID... the water facilities are capable of delivering the maximum days demands and the 2,077 gpm fire flow requirements identified by the Diamond Springs-El Dorado Fire Protection District. The FIL also states that water storage is sufficient in the project area and that no improvements are required (EID 1998a). Improvements to the existing water distribution facilities would not be required to meet anticipated onsite commercial and fire protection needs. However, an onsite looped system may be needed. No specific offsite improvements were identified in the FIL.

Water facility improvements necessary to service the El Dorado Villages Shopping Center project (e.g., onsite looped system) are currently being evaluated for inclusion in the [Facility Plan Report] FPR, to be approved by EID prior to project construction. The improvements recommended by EID, would not result in significant offsite impacts to the environment since no offsite improvements are required.

The water infrastructure as specified in the FIL for El Dorado Villages Shopping Center can be engineered and accommodated without serious

*continued ...*

constraints or difficulties (Bardini, pers. comm., 1998). While water distribution facilities are anticipated to be easily accommodated, the final FPR has not been signed off by EID and, consequently, adequate infrastructure plans to provide water service to the site are not formally authorized. Therefore, this impact is considered potentially significant.

The water distribution improvements will be finalized when EID approves the applicant's engineer FPR. Should the commentor's water line need to be relocated to serve the proposed El Dorado Villages Shopping Center, it would be funded and facilitated by the applicant for El Dorado Villages Shopping Center.

- 13-6** The commentor states that, if widening Headington Road is required for the El Dorado Villages Shopping Center, the commentor's business is located in such close proximity to the roadway right-of-way that an existing retaining wall and chain link fence would need to be moved.

Any public improvement constructed as part of the MC&FP that required the acquisition of right-of-way from the commentor and/or negatively impacts those facilities owned by the property owner, i.e., encroachments, sewers, retaining walls, etc., would be either replaced or in some other way compensated for as part of the roadway improvement. The expense associated with any repair, replacement or reconfiguration would be borne by the MC&FP or the specific development project which causes the impact.

It should be noted that this is not an environmental impact; it is embodied in the U.S. and State Constitutions that no private property can be taken without compensation for the taking.

- 13-7** The commentor states that widening of Headington Road would require a change in landscaping and irrigation plans.

It is unclear, but assumed, that the commentor is referring to landscaping and irrigation within the Headington Road right-of-way. As the draft Conditions of Approval indicate (see Response to Comment 13-1), the applicant would not be required to provide landscaping or irrigation along Headington Road.

- 13-8** The commentor notes that, if Missouri Flat Road is widened, it would encroach into the commentor's septic system. The commentor suggests hooking up to the "county sewer" as a possible solution.

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As discussed on pages 3-15 and 3-18 of the DEIR, the proposed widening of Missouri Flat Road from 2 to 4 lanes between Headington Road and U.S. Highway 50 is a roadway improvement that would be funded by the proposed MC&FP. As discussed in Response to Comment 2-10, widening of this segment of Missouri Flat Road would occur during Phase 2 of the MC&FP roadway improvements. The proposed four-lane segment of Missouri Flat Road would require a 100-foot or wider right-of-way as compared to the existing right-of-way of 80 feet. Consequently, the proposed Missouri Flat Road widening would require the purchase of at least 20 feet of additional right-of-way or, assuming that an equal amount of right-of-way is purchased either side of the existing right-of-way, at least 10 feet of additional right-of-way on either side of the existing right-of-way.

As the commentor correctly notes, the proposed Missouri Flat Road widening could extend the right-of-way such that the commentor's existing septic system would encroach into the proposed roadway right-of-way. If such encroachment occurs, the commentor would either have to obtain an encroachment permit, modify the septic system so that it does not encroach into the right-of-way, or the commentor's property would have to be connected to the public sewer system, as suggested by the commentor. If the County determines that an encroachment permit or modification of the existing septic system is not possible and that connection to the public sewer system is, therefore, required, then EID would have to be consulted regarding wastewater treatment and conveyance requirements.

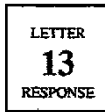
As discussed in Responses to Comments 13-6 and 13-11, the expense associated with any repair, replacement, reconfiguration, etc., as a result of proposed roadway improvements would be borne by the County in the case of public improvements (e.g., Missouri Flat Road widening) or by the project applicant in the case of roadway improvements required as a condition of approval (e.g., Headington Road widening) of a particular project.

**13-9** The commentor identifies an existing underground 400 ampere (amp.) service that would need to be accommodated with the widening of Missouri Flat Road.

As mentioned above, the proposed MC&FP project does include funding for the widening of Missouri Flat Road. This roadway improvement has not been designed, but would include paving within the existing right-of-way (ROW) of Missouri Flat Road. If the widening would effect the 400 amp line, then County DOT would need to accommodate a modification such that service is restored to the commentor. Please also refer to Response to Comment 13-6.

**13-10** The commentors expresses concerns regarding several issues related to road widening. The commentors state that the outlet to their storm drain drains to Missouri Flat Road.





*continued ...*

Please refer to stormwater issues addressed in Response to Comment 7-39.

**13-11**

The comment declares that the authors do not oppose development, but want those who might effect their land or property to fund and be responsible for equitable value, or service. The commentor does not want eminent domain proceedings on their property and, therefore, is raising issues now, in the comment letter. The commentor closes by assuring the County that they are willing to work cooperatively on issues.

It is the County's intent to minimize impacts to the commentor's land or business. Any El Dorado County Shopping Center-induced impacts, or conditions or mitigation measures placed on the applicant of the project that result in impacts to the commentor, will be reasonably compensated by the applicant with like service/facilities as required by the County or Responsible Agency (e.g., EID). Similarly, the County would first choose to work with the land- and business-owner for any effects resulting from a County improvement, such as widening Missouri Flat Road. As a last resort, and only without any other reasonable solution, would the County rely on eminent domain proceedings for public facilities, such as roadway improvements. Eminent domain is used to accomplish public projects necessary for public safety and welfare and the County must compensate the property owner with similar market value for the loss of land or facilities.