

From: [Christopher Schmidt](#)
To: [Megan Wood](#)
Cc: [Michele Nichols](#)
Subject: Fw: Opposing Baseline Commercial Center
Date: Friday, May 7, 2021 8:13:27 AM

For Distribution

From: Alesha Anthony <mirandasmommy@hotmail.com>
Sent: Friday, May 7, 2021 8:07 AM
To: Christopher Schmidt <CRSchmid@placer.ca.gov>
Subject: [EXTERNAL] Opposing Baseline Commercial Center

Hi, I am sending this email to voice my concern over this project. It is in a rural area and has been designated this way for decades. We do not need any more gas stations and fast food restaurant in Roseville. Especially in the country. Please leave this area as it is designated to be, low density housing and agriculture. Thank you

Alesha

Sent from my iPad

From: [Christopher Schmidt](#)
To: [Megan Wood](#)
Cc: [Michele Nichols](#)
Subject: Fw: [EXTERNAL] Baseline Commercial Center, Supervisor meeting May 11
Date: Friday, May 7, 2021 10:48:00 AM

From: Cathy Vasquez <kk.vasquez@me.com>
Sent: Friday, May 7, 2021 10:46 AM
To: Christopher Schmidt <CRSchmid@placer.ca.gov>; News@fox40.com <News@FOX40.com>; Robyn Mitts <wavinatu@yahoo.com>; Shelley Nulton <Shelley.Nulton@managementtrust.com>; Landon Wolf <LWolf@placer.ca.gov>
Cc: Cathys Cell 214-3924 <kk.vasquez@me.com>
Subject: [EXTERNAL] Baseline Commercial Center, Supervisor meeting May 11

May 7, 2021

We had the MAC meeting where the homeowners protested the development of the Baseline Commercial Center which the board members denied the developer . Then we had the homeowners protest at the Planning Commission to deny the the development of the commercial center. Despite having over 150 signatures and many local home owners explaining why they were against it, it was ruled in favor of the the developer. Complaints were, light pollution , noise, noise from the car wash, excessive traffic, smells from the fast food place, crime, homeless people, traffic accidents on Crowder and Baseline, decreased home values, excess traffic cutting through the residential streets getting into and out of the commercial center, etc. It's pretty clear cut that the nearby homeowners don't want and don't need this Baseline Commercial Center put in this location. It was made clear at the previous board meetings. We got media coverage from Fox 40 news and they showed a statement they received from the Placer Planning Commission Development review.

“ The establishment, maintenance or operation of the proposed uses will not be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use and will not be detrimental or injurious to the property or improvements in the neighborhood or general welfare if the county.”

Placer Planning Commission Development wrote that.

This is not a true statement. The homeowners already voiced their complaints and concerns that do affect the health, safety, peace, comfort and general welfare of the nearby homeowners. The homeowner whose driveway is just yards from the entrance to the fast food drive in has to deal with decrease home value, excessive traffic in front of their house, smells from the fast food place, noise from the traffic and car wash, light pollution in their bedroom plus an increase in traffic bottlenecked at Crowder lane and Baseline. Certainly this is detrimental to the health, safety, peace, comfort and general welfare to their house as well as others who reside nearby.

If the Board of Supervisors still approves the Baseline Commercial Center over the objections and concerns of the nearby homeowners and the 150 plus signatures on the petition to stop the development , it appears the Board of Supervisors are biased in favor of the developer . There are plenty of other commercial properties in Roseville available. Please listen to the homeowners and

build residential homes on this lot and not the Baseline Commercial Center.

Thank you, Cathy Vasquez

From: [Christopher Schmidt](#)
To: [Michele Nichols](#); [Megan Wood](#)
Subject: Fw: [EXTERNAL] Baseline Project opposition
Date: Monday, May 10, 2021 10:05:33 AM

FYI

From: jlschell@gmail.com <jlschell@gmail.com>
Sent: Monday, May 10, 2021 9:50 AM
To: Christopher Schmidt <CRSchmid@placer.ca.gov>
Subject: FW: [EXTERNAL] Baseline Project opposition

I know the action on this project is coming up soon- Please note that I am still opposed to this moving forward.

Thank you

John Schell

From: John Schell <jlschell@gmail.com>
Sent: Wednesday, March 17, 2021 11:26 AM
To: Christopher Schmidt <CRSchmid@placer.ca.gov>
Subject: [EXTERNAL] Baseline Project opposition

Dear Mr. Schmidt:

This purpose of this email is to formally object to the Baseline Project development. I listened to the MAC meeting last evening (3/16) and my heart goes out to the people in the Sun Valley Oaks development who will be devastated if this development goes forward.

These people bought their homes in what they thought was a rural area , and now this is about to change. Developing the 8 or so acres to allow fast food restaurants, a gas station, car wash, and who knows what else will seriously affect the value of the homes in Sun Valley Oaks, Bianchi Estates and even Morgan Creek.

I am a licensed real estate broker and this proposed development will make it very difficult for Sun Valley Oaks owners to even sell their homes if they were to choose to attempt to relocate because of this development-who would buy a home that backs up to a 24 hour gas station/car wash?

From listening to Al Johnson in the MAC meeting last evening it sounds like, if approved, there is no assurance of what the final development will even look like and what businesses will actually end up there-it will depend on the interests of potential business owners.

Further as was mentioned last night there are plans for many businesses, potentially 3 gas stations, fast food, etc. on the northwest corner of Baseline/Fiddymont. Because of this the Baseline project is not needed and once the large development proceeds the Baseline project could easily be adversely affected by larger, newer stores and businesses.

As was mentioned, there is ample availability of gas stations in this area already. A couple miles south on Fiddymont there are multiple gas stations, fast food places; the same applies going north to Blue Oaks and east to Foothills Blvd. This project should not be justified on the basis of need in this area!

Please stand with the residents in this area which have purchased their homes with the expectation that when they bought their homes in a residentially zoned area it would stay that way. Approving this unneeded project is unfair and will cause a terrible hardship on those of us nearby-please let the developer go somewhere else where peoples' homes and lives are not adversely affected.

John and Marie Schell

8963 Creekstone Circle

Roseville, CA 95747

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LAW OFFICE OF DONALD B. MOONEY

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May 10, 2021

VIA ELECTRONIC MAIL

bos@placer.ca.gov

Placer County Board of Supervisors
County of El Dorado
175 Fulweiler Avenue
Auburn, CA 95603

Re: Baseline Commercial Center Project

Dear Supervisors:

This office represents Stop the Baseline Commercial Center Project regarding the Baseline Commercial Center (“Project”). Stop the Baseline object to the Project and object to the approval of the Mitigated Negative Declaration (“MND”) for the Project on the grounds that the MND fails to comply with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.* Stop the Baseline respectfully requests that that the County Board of Supervisors not approve the MND and deny the Project.

A. CEQA REQUIRES THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

CEQA was enacted to ensure environmental protection and encourage governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564.) CEQA requires full disclosure of a project’s significant environmental effects so that decision makers and the public are informed of consequences *before* a project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass’n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) In the present case, substantial evidence supports a fair argument that the Project may have potentially significant impacts to noise and public safety.

An agency must prepare an EIR instead of a MND whenever a proposed project may have a significant impact on the environment. (Pub. Resources Code. § 21082.2(d) [“If there is substantial evidence, in light of the whole record before the lead agency, that a project may have a significant effect on the environment, an environmental impact report shall be prepared.”]) An agency’s decision not to prepare an EIR is judged by the “fair argument” standard of review. Under this standard, an EIR must be prepared “whenever it can be fairly argued on the basis of substantial evidence that the project *may* have significant environmental impact.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, emphasis added; *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123.) The County must prepare an EIR

instead of an MND if there is any substantial evidence in the record supporting a fair argument that a project may have a significant effect on the environment, even if other substantial evidence supports the opposite conclusion. (Pub. Resources Code, § 21151(a); CEQA Guidelines § 15064(f)(1)-(2); *No Oil, supra*, 13 Cal.3d 68, 75; *Architectural Heritage Ass'n v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1109.) It is the function of an EIR, not a negative declaration, to resolve these conflicting claims. (*See No Oil, supra*, 13 Cal.3d at p. 85.) The fair argument standard is a “low threshold” test for requiring the preparation of an EIR. (*No Oil, supra*, 13 Cal.3d at 84.)

The requirement for an EIR cannot be waived merely because additional studies are required; in fact an agency’s lack of investigation “may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) An MND is proper only if project revisions would avoid or mitigate the potentially significant effects “to a point where clearly no significant effect on the environment would occur, and . . . there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.” (Pub. Resources Code §§ 21064.5, 21080(c)(2); *see also Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331.)

Input from non-experts, lay testimony, can be substantial evidence when such testimony is credible and does not purport to embody analysis that would require special training. Thus, “statements of area residents who are not environmental experts may qualify as substantial evidence if they are based on relevant person observations or involve ‘nontechnical issues.’” (*Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 583 (aesthetics); *Ocean View Estates Homeowners Association, Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 402 (aesthetics); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322 (traffic and biology); *The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 932 (land use); *Oro Fino Gold Mining Corp v. County of El Dorado* (1990) 225 Cal.App.3d 872, 882 (noise); *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 172 (traffic).)

1. THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION CONTAINS AN INADEQUATE PROJECT DESCRIPTION

CEQA requires that an environmental review document contain an accurate description of the entire project. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) The adequacy of an EIR’s project description is closely linked to the adequacy of the impact analyses. If the description is inadequate because it fails to discuss an aspect of the project, the environmental analysis will probably reflect the same mistake. (*See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.3d 713, 722-723.)

The IS/MND states that the off-site work would include extension of a sewer line within Crowder Land 350 feet north of the Project site. The MND, however, fails to state what entity will be treating the sewer. (Initial Study at 2.) The MND also states that the water will be provided by California American Water District (CalAM). (Initial Study (“IS”) at 65.)

As noted by the City of Roseville’s March 4, 2021 letter regarding the MND the document fails to provide critical information regarding sewer and water.

1. The IS/MND states (on page 66 of 69),” ... The project obtains sewer service from Placer Service Area 28, Zone 173 (CSA 173) ...” and that “... The project would increase wastewater flows to the treatment plant. ...,” but the analysis does not specify which Treatment Plant. Would wastewater flows generated from this project be discharged to the Dry Creek Wastewater Treatment Plant (WWTP)?

If a City of Roseville WWTP facility is the location where project owners intend to discharge wastewater flows to for treatment, then the document must explicitly state if the project flows are within or exceed the estimated peak day demand considered in the South Placer Wastewater Authority (SPWA) Systems Evaluation. If the flows exceed estimated demands, required mitigation should be identified.

Additionally, the sewer collection system from the project site to the WWTP facility should be analyzed to identify potential capacity impacts to the conveyance system.

2. The IS/MND states (on page 65 of 69), “... The project proposes to connect to the California American Water (CalAM) District for domestic water from an existing waterline within Walerga Road ...” Please identify whether CalAM intends to wheel potable water through the City of Roseville’s water distribution system to this project site, and if so:
 - a. The analysis should identify the anticipated max day, and peak hour demand plus fireflow, to identify potential impacts to the conveyance system, and the required mitigation, if needed.
 - b. Obtain confirmation from CalAM as to whether the existing PCWA/Roseville - Water Supplies & Exchanges Agreement includes the anticipated water demand from the proposed project.

As demonstrated by the City of Roseville's comments, the lack of information regarding sewer and water for Project is linked to an inadequate impact analysis. (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, *supra*, 27 Cal.App.3d at 722-723 [failure to discuss an aspect of the project impacts the environmental analysis]; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 156 (comments from agency support a fair argument that a project may have significant environmental impacts).) Thus, in order for the County to conduct the proper environmental impact analysis, the IS/MND must provide the information requested by the City of Roseville. The lack of that information results in an inadequate project description that result in an inadequate impact analysis. Thus, without the requested information any determination of lack of impact is not supported by substantial evidence.

2. AESTHETICS

In *Georgetown Preservation Society* (2018) 30 Cal.App.5th 358, 375-376, the court held that lay comments from community members that the project is too big and too boxy or monolithic to blend in, such that its presence will damage the look and feel of the historic center of Georgetown was enough to trigger an EIR. (*Id.*) The court stated: "While a few stray comments may not be enough, "The evidence here goes beyond a few people expressing concern about the aesthetics of the project. There is substantial evidence to support a fair argument that the project may have a significant adverse aesthetic impact." (*Ocean View Estates*, *supra*, 116 Cal.App.4th at p. 403; see *Grand Terrace*, *supra*, 160 Cal.App.4th at pp. 1337-1338, [distinguishing *Bowman*; "there is evidence the environmental impact is not just obstruction of the views of a few adjacent homeowners. The impact creates a change in the aesthetic environment and interferes with scenic views of the public in general.... Aesthetic issues, such as public views, 'are properly studied in an EIR to assess the impacts'"]; cf. *Clover Valley*, *supra*, 197 Cal.App.4th at 243, [EIR case; CEQA is concerned with project's effects on the environment, not individualized complaints]; *Taxpayers*, *supra*, 215 Cal.App.4th at 1042 [individualized aesthetics complaints do not meet fair argument standard].) In this case, a large number of interested people believe this project would have a significant and negative effect on aesthetics." (*Georgetown Preservation Society v. County of El Dorado*, *supra*, 30 Cal.App.5th at 375-376.)

In the present action, lay comments by local residents regarding the Project's impacts to aesthetics, including light pollution in an otherwise rural area, constitutes substantial evidence to support a fair argument that the Project may have significant impacts. (*Id.*) Thus, an EIR is required.

3. TRAFFIC SAFETY

The IS/MND concludes that issues associated with traffic safety are less than significant. (IS at 61-62.) Numerous nearby residents with personal knowledge of existing traffic conditions submitted comments that the Project will result in unsafe traffic

conditions. These comments are not limited to the concerns about increased traffic, but also about safety. For instance, local residents have indicated that the Project will increase traffic on Crowder Lane and adjoining surface streets of Springhill Drive and Clouds Hill Drive as a shortcut to and from the new center. Residual traffic can also be expected to also spill over to Muirwood Lane and Blackwood Lane in Bianhi Estates, which are narrow, quiet residential roads. Additionally, the grading and landscaping on Crowder Lane make it difficult to see oncoming traffic and creates a safety hazard. The increased traffic from the Project will increase the existing unsafe traffic conditions.

These lay comments constitute substantial evidence that support a fair argument that the Project may result in traffic impacts. (*See Mejia v. City of Los Angeles, supra*, 130 Cal.App.4th 322 (traffic); *Citizens Association for Sensible Development of Bishop Area v. County of Inyo, supra*, 172 Cal.App.3d at 172 (traffic).)

Comments also note that since the traffic study was prepared 18 months ago, there have been recent developments in the area that impact traffic flow and safety. Namely the

4. SIGNIFICANT IMPACTS TO LAND USE

CEQA requires an environmental document to discuss any inconsistencies between the Project and the applicable general plans, specific plans and regional plans. (CEQA Guidelines, § 15125(d).) An applicable plan is a plan that has been adopted and legally applies to the Project. (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145, n. 2.) By identifying a project's inconsistencies with applicable plans means that a lead agency may be able to modify the project to avoid the inconsistencies. (See *Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1169.) While an inconsistency with policies of applicable plans does not necessarily mean that the project will have a significant environmental impact CEQA requires that the environmental document contain the discussion and analysis. (See *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 695; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903.)

In the present action, the IS/MND fails to discuss and identify numerous policies of the Dry Creek-West Placer Community Plan. While the Staff Report also describes a number of policies that staff believe are consistent, the Report does not address policies that are inconsistent with the proposed Project. As indicated in previous comments the proposed Project is not consistent with the following:

Community Design Policy

Policy 8: Avoid the creation of new commercial areas along Baseline road, west of Brady Lane in order to prevent strip commercial development conflicting land uses, and areas of additional traffic conflicts, etc.

Land Use Policies

Policy 3: The retention of important open space features is critical to the future quality of life in the Plan area.

Policy 16: Establish conservation and rehabilitation of existing areas as a priority.

Policy 19: Prevent strip commercial areas.

The IS/MND needs to discuss these Policy and determine whether the inconsistency results in significant impacts to land use.

5. WATER QUALITY AND IMPACT TO NEARBY GROUNDWATER WELLS.

Upwards of a 100 homes in the vicinity of the Project rely upon groundwater wells for their drinking water. The IS/MND, however, fails to identify or discuss the presence of groundwater wells for domestic use in the vicinity of the Project. Neither the Environmental Setting nor the section on Hydrology and Water Quality disclose the presence of nearby groundwater wells. (IS at 4, 43-47.) The Hazards and Hazardous Materials section also omits any discussion of the potential impact to nearby groundwater wells. (IS at 40-41.) As discussed by numerous residents, the proposed Project creates a significant risk on contaminating the nearby residents of their only source of water. The extent of that risk, however, is unknown because the IS/MND does not acknowledge the existence or location of the groundwater wells.

6. THE PROJECT MAY HAVE SIGNIFICANT IMPACTS TO UTILITIES AND SERVICE SYSTEMS.

The IS/MND states that impacts regarding water and wastewater treatment will be less than significant with mitigation measures. (IS at 65.) The IS/MND identifies numerous mitigation measures that purportedly reduce the potentially significant impacts to less than significant. (*Id.*; MM VII.1 (IS at 34-35); MM VII.2 (IS at 35); MM X.1 (IS at 45); MM X.2 (IS at 45-46.) The mitigation measures essentially require the preparation of Improvement Plans that do not address the issues raised by the City of Roseville.

As discussed above, the City of Roseville's comments identify the lack of information regarding sewer and water for the Project. (*Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 156 (comments from agency support a fair argument that a project may have significant environmental impacts).) Thus, in order for the County to conduct the proper environmental impact analysis, the IS/MND must provide the information requested by the City of Roseville.

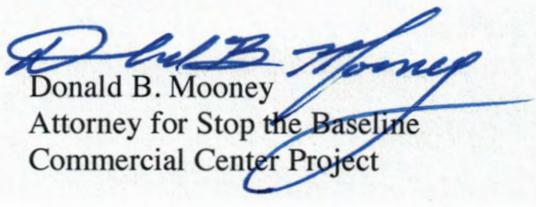
B. ZONING AMENDMENT

The property is currently zoned Residential Single Family combining Agriculture, Building Site of 40,000 square feet, combining Planned Residential Development of 1 unit/acre (RS-AG-B-40 PD=1.) Properties to the south and west have the same zoning and the property to the east is Residential Agriculture. The property also has a Community Plan Designation of Rural Low Density Residential, as do properties to the south, east and west.

A zoning scheme. . . is similar in some respects to a contract; each party foregoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare. (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 517.) Thus, one purpose of the zoning ordinance is to protect neighboring property and the zoning laws serve as a mutual restriction to enhance total community welfare. (*Id.* at 518-519.)

Modifying the zoning for one 6.8 acre parcel amounts to breach of that contract to the neighboring owners that will significantly impact their property and the community welfare. This does not mean that an agency cannot change the zoning, but in changing the zoning from residential single family combining agriculture to a high intensity use of General Commercial constitutes goes against the whole purpose of having zoning restrictions. The nearby residents purchased their property knowing that zoning laws gave them the assurance that the neighboring property will be similarly restricted. Removing those zoning restrictions removes those protections that the adjoining neighborhood have relied upon in building their homes and planning for their future. To the extent any such changes are made to the zoning, such changes should be limited to allowable uses that are compatible with the adjacent properties. As the community has spoken loud and clear, the proposed Project is simply not compatible. This is especially true of the gas station and car wash facility. The proposed Project simply does not enhance the community welfare and should be denied.

Sincerely,



Donald B. Mooney
Attorney for Stop the Baseline
Commercial Center Project

cc: Client

Steve and Diane Howe
2641 Central Avenue
Roseville, Ca. 95747

RECEIVED
MAY 07 2021
CLERK OF THE
BOARD OF SUPERVISORS

May 4, 2021

Board of Supervisors
175 Fulweiler Avenue
Auburn, Ca. 95603

Ref: Baseline Commercial Center (Public Hearing)

Dear Supervisor Weygandt:

We are writing to express opposition to the proposed Baseline Commercial Center. We moved to West Placer in 1977 (knowing there was not a gas station around the corner) and then purchased a home on Crowder Lane in 2008 with our daughter, Barbara Camacho (again knowing the conditions of the community plan and locations of gas stations, etc.)

As expressed by about 30 residents at the two MAC meetings and with the 200+ signatures of opposition on petitions there are many reasons that this development does not fit within our community. There was one Roseville resident who supported the project based on the need for a gas station and one who opposed it as she like to walk in our quiet environment as do many Roseville residents. There are 3 gas stations proposed for the Baseline Market Place development and several within 3 miles already in existence. There are several communities in Placer County with gas stations 3 miles+ or more such as Donner Lake West and Tahoe Donner. West Placer MAC members listened for several hours, asked sound, informative questions and ultimately voted 4-0 in opposition to the project suggesting the developer work with the residents to come up with an acceptable solution for all.

The Planning Commission heard the project in April and virtually ignored the recommendation of the MAC and the input from the residents who are most affected by this project. The District One Planning commissioner spoke several times aggressively in support of the project although he is supposed to represent the unincorporated Placer County area as well as the Roseville area. It came to light at the Planning Commission meeting that the proponent completed the purchase of the property very recently knowing the current zoning conditions. This project requires many entitlement changes to the community plan. The gas station is not needed nor is another strip mall that will be somewhat unoccupied (as each of the strip malls in the surrounding area have vacancies now).

We respectfully request that this project be denied with the suggestion that the developer work with the surrounding neighborhood to build something that fits within our community/community plan in unincorporated Placer County. If you chose to move forward, we respectfully request that the exit onto Crowder be eliminated and an exit be placed on to Baseline with right turn only. If the exit onto Crowder remains the traffic will do down Crowder, turn on to Cloudshill to get to Walerga or go to

Vineyard to get to Foothill. Each of these streets are country, two lane roads. There is also no need for a "fast-food" shop. If a strip mall is considered it should be with limited hours such as 7-6 with a vet. Clinic, adult day care, dog grooming to maintain the rural community environment we (and many others) purposely moved into area for. Please respect the decision of the West Placer MAC and the expressions of the residents.

Sincerely,

Steve and Diane Howe
Barbara Camacho

Steve and Diane Howe

Barbara Camacho