



Chelsea Edman <chelsea.edman@edcgov.us>

Fwd: Illegal bikes riding on nature path gw

1 message

Vickie Sanders <vickie.sanders@edcgov.us>
 To: Chelsea Doyle <chelsea.edman@edcgov.us>

Tue, Feb 18, 2020 at 10:40 AM

If you did not get this it should be added as a public comment under open forum.

Vickie Sanders
 Parks Manager
 County of El Dorado
 Chief Administrative Office
 530-621-7538
 FAX: 530-642-0301

----- Forwarded message -----

From: **gavin washburn** <gavinwash@yahoo.com>
 Date: Fri, Feb 14, 2020 at 10:33 AM
 Subject: Illegal bikes riding on nature path gw
 To: vickie.sanders@edcgov.us <vickie.sanders@edcgov.us>

El Dorado County Parks and Recreation Commission

This email is a request to add the issue of illegal bike riding on the New York Creek Cultural Heritage Nature Path (the path) to your agenda. Also, to stop the ongoing destruction of the path and abuse of pedestrians, mostly seniors many of whom are decorated military veterans.

My name is Gavin Washburn, I'm a spokes person for the Friends of New York Creek (FONYC). The FONYC consist of a little over one hundred of my neighbors. We have one agenda which is to protect and uphold the thirty-year-old pedestrian only status of this nature path for future generations.

I know you are aware that last year bike trails were opened on both sides and bisecting the path in EDH. What you may not know is that following these openings the EDHCSD board of directors decided to allow bicycles on the path. They stated that their action was taken after a lengthy public process. What they fail to mention is that they completely ignore that public input was for pedestrian

only by an overwhelming majority on every occasion of the public process. Last year the planning and installation of the Veteran's Bridge over New York Creek failed to take in any consideration for the path.

This issue is not a simple case of dissatisfaction of the board's decision. It is about private property rights, zoning restrictions, asbestos health issues, and protection of a unique neighborhood riparian environment. All of which the county has a big role.

Thank You

Gavin Washburn

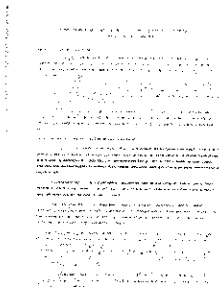
Path Steward and spokesperson for FONYC

Attachment 1. is a timeline of events 2. is a map showing New York Creek along with tributaries in blue, newly open bike trails in red and the nature path in light brown parallelling the East side of the creek. 3. is the CC&R supplement concerning the private property the path crosses. Please confirm this email.

3 attachments



Nature path, streams, trails.png
2212K



Supplemental Declaration.jpeg
355K



time line NYC Cultural Heritage Nature Path.odt

36K



SUPPLEMENTAL DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS
FAIRCHILD VILLIATE UNIT NO.6

ARTICLE 2. USE RESTRICTIONS

2.91 General. The Property contains heavily wooded, oversized Lots. Richmond American believe that this special character of the Property requires protections not specifically provided for in the Existing Declaration and that, with respect to these protections, the Lot Owners, as a group should be entitled to special rights.

2.01A. Purpose. The purposes of this Supplemental Declaration is to preserve the inherent natural beauty of the area, while providing for those special rights, and to limit the actions taken by an individual Owner on his Lot which might have an unreasonable impact on the use, enjoyment of the other Lots.

2.06 Resubdivision Rezoning. No Owner may alter the dimensions of a Lot, including but not limited to, dividing, splitting, subdividing or changing any Lot Line from that shown on the Map. No Owner shall change or apply to change the zoning of a Lot from the zoning at the time the Map was filed.

ARTICLE 3. MISCELLANEOUS AND GENERAL PROVISIONS

3.02 Term. The covenants and restrictions of this Supplemental Declaration shall run with and bind the land for a term of thirty-five (35) years from the date this Declaration as recorded, after which time it shall be automatically extended for successive periods of ten (10) years unless an instrument executed and acknowledged by a Majority of Owners has been recorded revoking these restrictions in whole or part.

3.03 Amendments. This Supplemental Declaration may be amended by only by the written consent of not less than seventy-five percent (75%) of the record Owners of Lots within the Property, each Lot being entitled to exercise one (1) vote.

3.06 Interpretation. The provisions of this Supplemental Declaration shall be liberally construed to effectuate their purpose of preserving the inherent beauty of the Property, subject to the limited approvals of a Majority of Owners which are provided for above. This Declaration shall be construed and governed under the State of California.

3.09 Enforcement. Any Owner of the successor in interest of any Owners shall have the right to enforce, by proceeding at law or in equity, the provisions of this Supplemental Declaration or any amendments thereto, including the right to prevent the violation of any such restriction, condition, covenants or reservations and the right to recovery of damages for such violation. Failure by any Owner to enforce such covenant, condition or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

3.12 Attorney's Fees. Should any action be brought to enforce any of the provisions of this Declaration, the prevailing party shall be entitled to a reasonable attorneys' fees in addition to such other relief as may be granted.

List of events pertaining to New York Creek Cultural Heritage Nature Path
Gavin Washburn, Path Steward and a spokesperson for Friends of New York
Creek.

August 21 and 28, 1986

CSD BOD meeting minutes on record.

Pedestrian only on NYC path confirmed by the BOD in the presence of Mr. Gary
Parker

representing Reynan, Bardis and Winn, the company gifting the 11 acres which
were

recorded as 12.15 acres to EDH CSD. The BOD president addressed the
discussion

between the BOD, approximately 100 Residents and Mr. Parker, stating the path
would

be pedestrian only.

Nov 1987 CSD BOD minutes on record.

The CSD BOD meeting minutes confirm Ordinance 11/19/1987-4 listing general
park

rules. This ordinance is a simple condensed version of the community handbook
series

1000 which was adopted in 1979. The ordinance allowed the policy to fit the signs
posted on NYC creek nature area and other nearby parks. The policy handbook
was revised several times and still receives new additions as needed. It has
language and a policy number for each individual category such as motorized
vehicles 1140.100, vandalism 1140.110, bicycles 1140.120, horses 1140.140 and
more. The 1987 board knew they would not have the space to post the policy
verbatim so they condensed the policy to key topics, added the words prohibited,
pedestrian only and referenced the ordinance number 11/19/1987-4. They also
responded to the issue of the violators, stating barricades would be installed if
needed.

1990

Minutes from New York Creek Stewardship Committee on file.

Discussions that occurred after gifting of property resulted in formation of the New
York Creek Stewardship Committee, a coalition of CSD employees/volunteers and
citizens/volunteers. This ad hoc committee would focus on education about the
nature

path, raising funds for purchase of signs including interpretative signs along the
path,

and prove that the nature area can be cooperatively managed by local
government and

citizens. Record of fund raising and purchase of signs available in committee
minutes,

including "hikes prohibited" and most important "cooperatively managed by local

2013

Complaint filed by me as a steward of New York Creek at the CSD registration office. I have not previously complained to CSD, as path steward I was always able to keep the path clean and take care of related problems.

I complained that bikes were violating ordinance 11/19/1987-4 and speeding on the nature path, causing erosion to the banks of streams which the path crossed, creating mud holes out of standing puddles after a rain, developing bicycle jumps and becoming a safety hazard to pedestrians. CSD office said somebody would follow up. No follow up and no record of complaint available. This is the same time the Strava biking web site, (<https://www.strava.com/segments/14132472?filter=overall>) shows the leader board of bikes racing against the clock and shows the top male rider time for the NYC Nature

Path. Strava uses the GPS functionality of mobile phones or other devices such as

Garmin navigator to record position and time data during athletic activities. I had tried

talking to bike riders prior to this complaint with very negative responses. The popularity of mountain biking has grown rapidly. Most bikers would not consider riding on a nature path. There is a small group who continually disobey the law and have no respect for nature or pedestrians especially seniors who are slow to get out of the way.

2014

Repeat of 2013 complaint, again no follow up and no record of complaint available at CSD.

2015

More bikes speeding on the trail. Attempts were made to contact CSD manger by phone but received no reply to my voice mails. Voice mails are not recorded to archives.

Starting this year Strava site shows separate leader boards for male and female riders and identifies the top time of a female rider.

2015

CSD assistant suggested I contact Parks Manger. Received immediate reply from the

Parks Manager via email. I requested permission to remove bike jumps and install No

Bike signs at my cost and labor. I was told the situation would be looked into and that

CSD had plenty of No Bike signs. E-mail exchange on record. No follow up by CSD.

Sent e-mail to CSD BOD requesting help to stop bike riders violating the Ordinance.

rules posted on signs, referencing the ordinance. I walked the path with one of the directors, pointing out private property stakes, agreeing that portions of the path are on private property and pointing out the ordinance signs. This director served twenty years as CSD General Manager and the last twelve years as BOD member. He commented that he “forgot” about the ordinance and signs even though it took place on his watch and he owns one of the properties which the path crosses.

August 12, 2016

Parks and Planning minutes on file

Parks Manger and CSD manger make recommendation to the board for changing the path from pedestrian only to multi use. This action emboldens bike riders to become more belligerent.

January 6, 2017

Park and Planning minutes on file

Application to the League of American Bicycles' Bike Friendly Community generates

and honorable mention for EDH. No mention of NYC nature path or suggestion that the pedestrian only nature path should be sacrificed for a multi use trail.

January 18, 2017

Some residents within 300 feet from the path were sent notices that the path would be modified to allow multi use. Letter on file.

January 2017

Friends of New York Creek was formed in an attempt to stop BOD and CSD from damaging NYC nature path. FONYC has one item on the agenda, it is to uphold, support and protect the 30 year old pedestrian only NYC path from St. Andrews Drive to Brackenwood Place and preserve the nature path for future generations.

February 8, 2017

Special meeting of Parks and Planning to hear people speak followed by a path walk lead by parks supervisor. Response to meeting on file. The response is overwhelmingly in favor to uphold and support the pedestrian-only status of New York Creek Nature Path from St. Andrews Drive to Brackenwood Place.

February 9, 2017

BOD meeting minutes announce plans for stakeholders meeting in attempt to seek

further community input. This action leads to illegal bike riders being viewed by

and the BOD as legitimate stakeholders, even though they continue to violate the ordinance. At this time the path is surveyed by an independent surveying company, proving it to be on private property.

June, July, August 2017

Summary of following on record.

Two Stakeholders meetings, Flash vote and over 100 letters along with emails to the BOD. Overwhelming majority recommend to protect, uphold and support 30 year old Pedestrian only New York Creek nature path.

August 10, 2017

BOD meeting agenda

CSD manager recommends to BOD to "Uphold and support the pedestrian-only status of New York Creek Nature Path from St. Andrews Drive to Brackenwood Place". The manager states his recommendation is based on meetings with residents, emails, letters and a flash vote all on public record.

BOD ignores majority vote as well as the CSD manager's recommendation and passes a divergent motion (three yes, one no and one recused because path is on his property). This motion states that the path is to be divided and added insult by calling the motion a compromise although the subject of dividing the trail was never previously under discussion. The motion is a violation of the ordinance 11-19-1987-4 and is in opposition to the majority recommendation. This is clear abuse of power by elected officials who have taken an oath to protect, uphold and be responsible to the voters.

Aug 22, 2017

Parks and Planning meeting on record announce new temporary pedestrian/bike use

signs will be posted. Staff personnel will make a presence on the path to inform violators of the new rules.

Nov 8, 2017

I walk the path with president of the BOD pointing out mud holes created by bikes, erosion on the banks of tributaries which the path crosses, property stakes showing the path crosses the private property of eight lots and bike jumps which require a great deal of speed around blind turns to gain the momentum needed to make the jump. These same blind turns are ideal for a Nature Path, as intended. We also discuss vegetation and wildlife.

Nov 9, 2017

BOD meeting, Introduction and reading of ordinance 2017-01 repealing ordinance 11/19/87-4. Staff has been unable to locate Ordinance No. 11/19/87-4.

The community policy was adopted in 1979 as stated above and the ordinance is a condensed version of the policy. Recently one of the Directors had stated "just because the ordinance cannot be located does not mean it is any less legitimate".

reading of Ordinance 2017-01 is postponed, TBD.

Nov 28, 2017

Parks and Planning meeting on record announce permanent pedestrian/bike use signs

installed. Temporary signs have been a costly disaster, signs are torn down by illegal bike riders/vandals as soon as they are posted, vandalism is at a new high. I contacted the EDC Sheriff office they explained they would be willing to monitor the path with cameras and signs but the request needs to come from CSD. I inform the CSD manager, he decides to install CSD cameras (rather than utilizing Sheriff Office) which are also torn down and stolen. Some of the permanent signs are damaged others stolen. I propose kissing gates be installed at St. Andrews, Falkirk and Jackson bridge, and supply drawings. Proposal is received in a positive manner, by Parks and Planning Committee.

Dec 14, 2017

CSD BOD meeting on record. CSD manager presents recommendation for kissing gates

to CSD BOD, the gates are designed to look exactly like existing fencing along property

lines, on, near or bordering the Path. BOD rejects the recommendation stating it would

not look good, and has no alternative suggestion to protect private property, public safety or stop continued destruction of the path.

I along with others have made public comment at every BOD meetings since the first multi-use letter from CSD BOD. I attend Parks and Planning meetings to stay informed of all projects.

The only answer as to why the board continued to ignore the public majority and the recommendation of the CSD Manager came from one of the directors stating a resident had told him their special needs child needed to ride on the path to avoid street traffic. I stated the sidewalks along Silva Valley Parkway, from Green Valley Road, south to highway 50 are extra wide, ADA compliant and allows children 12 and under and special needs people to ride their bikes. This would be much safer then riding on the nature path and would teach young people to respect nature instead of destroying it. EDH Blvd also has a multi-use path on the west side of the creek, it also parallels the path and Silva Valley Parkway. EDC is in the process of building a paved path under the power lines to connect Silva Valley Parkway and EDH Blvd multi-use trails.

Jan 11, 2018

BOD meeting on file.

The meeting starts with directors comments. One of the directors expressed concern for

the low participation in Flash Vote. I started my public comment quoting the part of the

agreed

it would be nice if the flash vote had a higher voter count. In addition to the count, it would also be nice if the board responded positively to the information gleaned from the flash vote. Results on file. In the case of NYC nature path the vote was overwhelming pedestrian only, but the board did just the opposite of the vote results.

I addressed the proposed ordinance to repeal ordinance 11-19-1987-4. I proposed they

revise the ordinance instead of repealing. There are many signs throughout EDH for

such topics as no parking, no dumping, no littering and park hours all of which reference this ordinance. Replacing them would cost the taxpayers thousands of dollars.

If they revised the ordinance they could avoid this cost.

Later in the meeting the second reading and ratification of the new ordinance was again

postponed to a TBD date.

8 Feb 2018

BOD Meeting minutes on file

I once again addressed the proposed ordinance to repeal ordinance 11-19-1987-4. Even today the sign across the drive from the Parks and Recreation building states the park hours and references ordinance 11-19-1987-4. There are several signs at other parks, also prohibiting bikes still standing today. These signs are duplicates of the ones removed from NYC Nature Path and replaced with community policy series 1000 park rules.

The Board of Directors tried to approve ordinance to rescind 11-19-1987-4. this item is back in front of the Board due to the notice that was given in November 2017 that the Ordinance would receive a second reading in January.

However, the necessary coordination with the El Dorado County Sheriff's office has not been completed. CSD GM requested that the item be continued until the requisite work has concluded. General concurrence to continue the item resulted in no formal action being taken on this item of business.

I once again requested the board "uphold and support the pedestrian-only status of New York Creek Nature Path from St. Andrews Drive to Brackenwood Place". I also stated that their failure to recognize the majority of voters in favor of a small special interest group plus the violation of ordinance 11-19-1987-4 and then trying to rescind this ordinance warrants investigation. This appears contrary to the spirit of the law. I told them EDH has 245 miles of bike trail, there are another 176 miles of multi-use trail around Folsom Lake. Based on the abundance of available trails, I inquired why they continued to create a problem with the ½ mile of Nature Path. At this time I recognized that I and 100 plus neighbors do not carry the necessary voice to convince the BOD and will pursue investigation by other entities.

15 Oct 2018

with the spokesperson for the bike riders along with staff to work on resolving the issue of bikes on the nature path. I thought it was a good idea until I received a recap of the meeting via email and realized the BOD wanted me to go along with a multi-use-trail. The recap was full of misinformation and was the first time the board admitted collaboration with the bike riders.

7 Dec 2018

Reference to naturally occurring asbestos on the nature path and bike riders in groups of 9 to 16 raising clouds of toxic dust during the day and harassing the neighborhood at night. Numerous complaints are made to the BOD and CSD resulting in seniors being forced off the path.

13 Dec 2018

First reading of ordinance 2019-1 repealing ordinance 11/19/87-4. I file a rebuttal which is ignored.

10 Jan 2019

Second reading of ordinance 11/19/87-4. I once again suggest rewriting or editing instead of repealing it.

Eleven people speak at the public comment all request the BOD uphold and protect the pedestrian only status of the path and preserve it for future generations. An email thread between the board and bike spokesperson is read. The thread shows collusion with the bike riders, sharing the notion that the multi-use plans should not involve public input, and development of a strategy to silence one of the founders of Friends of New York Creek. The correspondents agree to keep the conversation private, ignorant of the fact they are using the public server at edhcsd.org. The email is dated Feb 2, 2017 and is discovered in a delete file which was included along with a routine request for public records concerning New York Creek. It also proves the board never intended to support the pedestrian only nature path nor abide by the overwhelming public majority.

May 2019

I presented a three part proposal to Parks and Planning. It took three months to get it on the P&P agenda and then it was rudely rejected. It was a respectful proposal which had merit. 1. Restrict bikes to paved paths in the Nature Area, 2. a design for interpretive signs, and 3. a plan to repair damage done to the path by bikes and a suggestion to protect the public from the naturally occurring asbestos.

Summer 2019

Request for volunteers to help install interpretative signs along the path. I was one of the volunteers and had previously agreed to these signs based on original presentation by local high school students although we did not know what was actually on the new signs. I was also one of the volunteers that had installed interpretative signs twenty-five year earlier. Many of the wood post still stand along the path.

Later 2019

Multi-use trail signs were installed without any previous discussion or public input. The path was opened to bikes from Harvard Blvd to Brackenwood place.

8 Aug 2019

I sent a request on behalf of the FONYC concerning the violation of CC&Rs supplemental declaration controlling the use of the nature path on private property. We also requested the board remove the multi-use signs and restrict bikes from riding off paved trails from St. Andrews to Brackenwood place. I sent the request to the board via email and also read it to the board at the BOD meeting.

At this time many FONYC had complained about bikes riding the path at night, harassing the neighborhood, and continuing to damage the path. I filed crime and vandalism reports with EDC Sheriff's office.

Oct 2019

I advised the parks and planning board members that I would be seeking the help of every entity I could find to help us change their irresponsible and inappropriate decision to allow bikes on the New York Creek Cultural Heritage Nature Path.

28 Oct 2019

On behalf of the FONYC I filed a complaint with CC&R committee for the boards violation of CC&Rs, the complaint was sent back to staff for research. I am waiting for the results.

10 Nov 2019

Crime report EG19-8674 vandalism of the approach to the new bridge crossing New York Creek under the power lines. The CSD district manager met me at the site of the damage and said he would review the situation, the result was a new sign stating "Modifying the trail without permission is vandalism. Do not create new paths or jumps."

11 Nov 2019

Response from Desk Officer to online crime report indicated to me that the Sheriff's Office needed to be informed of the history behind the Pedestrian Only Cultural Heritage Nature Path and update of online crime reports. On behalf of the FONYC I respectfully requested a meeting with Sheriff John D'Agostini and requested all relative information be forwarded to the Sheriff.

10 Dec 2019

I received a confirmation to meet with the Sheriff and the Admin Sargent on 17 Dec 2019 at 3:00 PM in Placerville. The Sheriff's assistant requested any information that could help them better prepare the Sheriff for our meeting. I sent

12 Dec 2019

I received a call from Sheriff's deputy requesting some information on complain case #19-1001. He said he was on the nature path I told him I would be there in two minutes. I told the deputy that I would be meeting with Sheriff and the Admin Sargent on the 17th. We walked the path a short distance until he had to depart on another call. He gave me his contact information and said he would write an informational report. I have submitted a request for this report, and await that request.

17 Dec 2019

I met with the Sheriff and the Admin Sargent there was no time limit so I told them everything. I stated I had no expectations of them at this time other then hearing the situation. I told them that I recognize this is a neighborhood problem, they replied that most small problems often become big problems. I could tell from the follow up questions they were asking, that they had read the time line sent earlier. Afterwards the Sheriff gave me his card and requested I keep him posted.

27 Jan 2020

I sent a proposal to the BOD calling for a compromise between the CSD BOD and the law-abiding citizens concerned with the issue of bikes destroying the nature path, forcing seniors off the path, and endangering the health and safety of pedestrians on the path.