

File No. DR 00-11
Vicinity Map

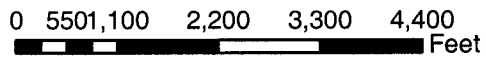
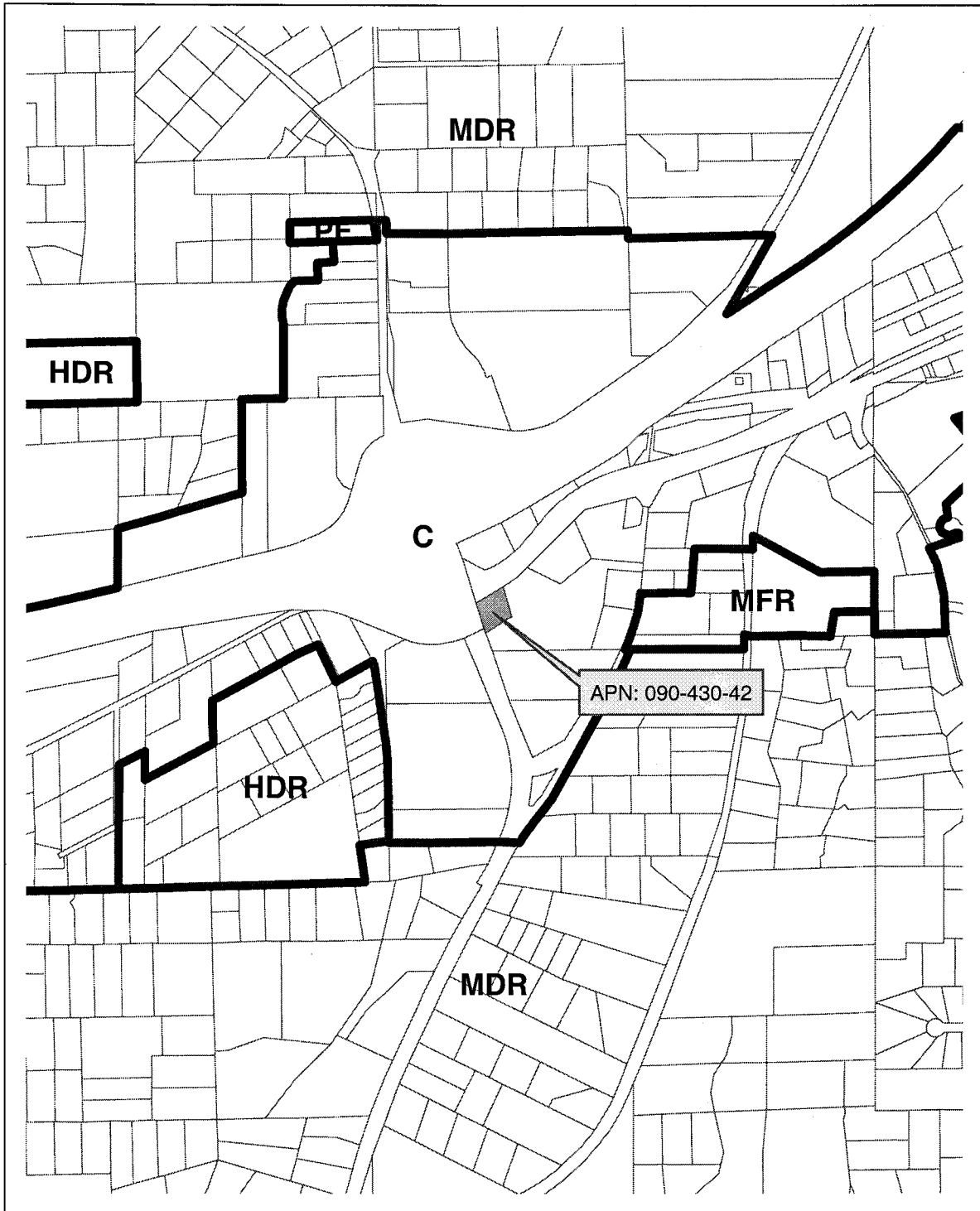


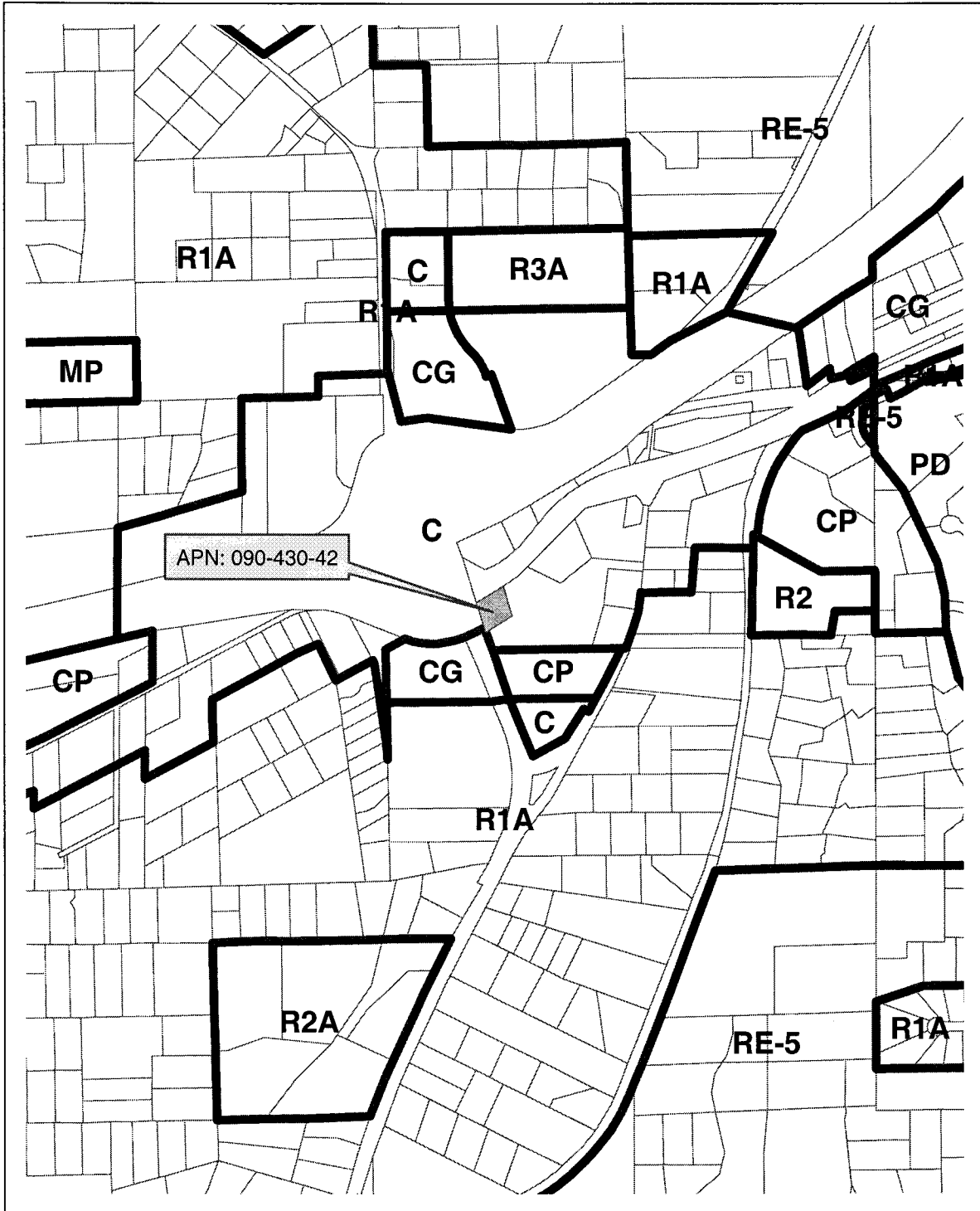
EXHIBIT A



**File No. DR 00-11
General Plan Map**



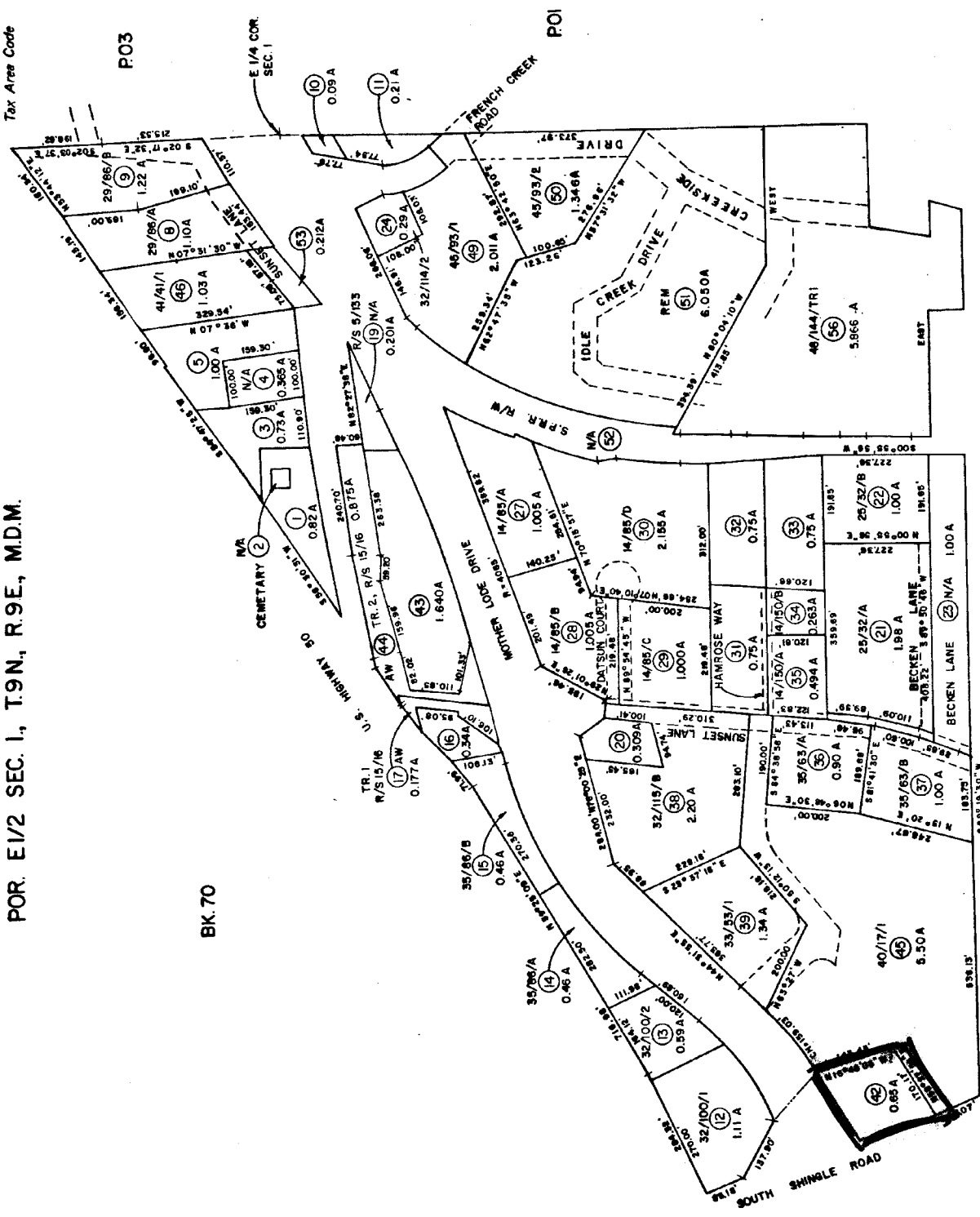
EXHIBIT B



File No. DR 00-11
Zoning Map



EXHIBIT C



P03

POI

BK.70

BK.86

P.44

Assessor's Map Bk. 90 - Pg. 43
County of El Dorado, California

JUL 1 1 2005

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

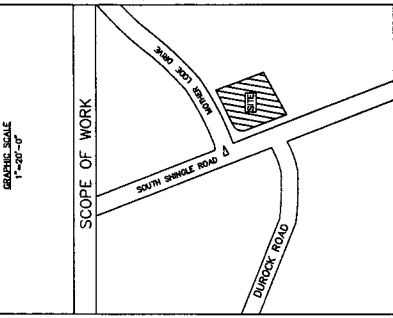
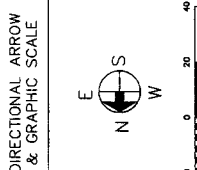
THIS MAP IS NOT A SURVEY, It is prepared by the El Dorado Co.
Assessor's office for assessment purposes only.



PLANS PREPARED BY:
A & S ENGINEERING
 PLANNING ENGINEERING CONSTRUCTION MANAGEMENT
 207 W. ALPINE AVE. STE. 203 BREA, CA 92622
 PHONE: 818-642-3544 FAX: 818-642-3780

Conoco Phillips COMPANY
 3811 HARBOR BLVD # 200, SANTA ANA, CA
 STORE #: 0000
 ADDRESS: S.E. SOUTH SHINGLE SPRINGS RD. & MOTHER LODGE DR. SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

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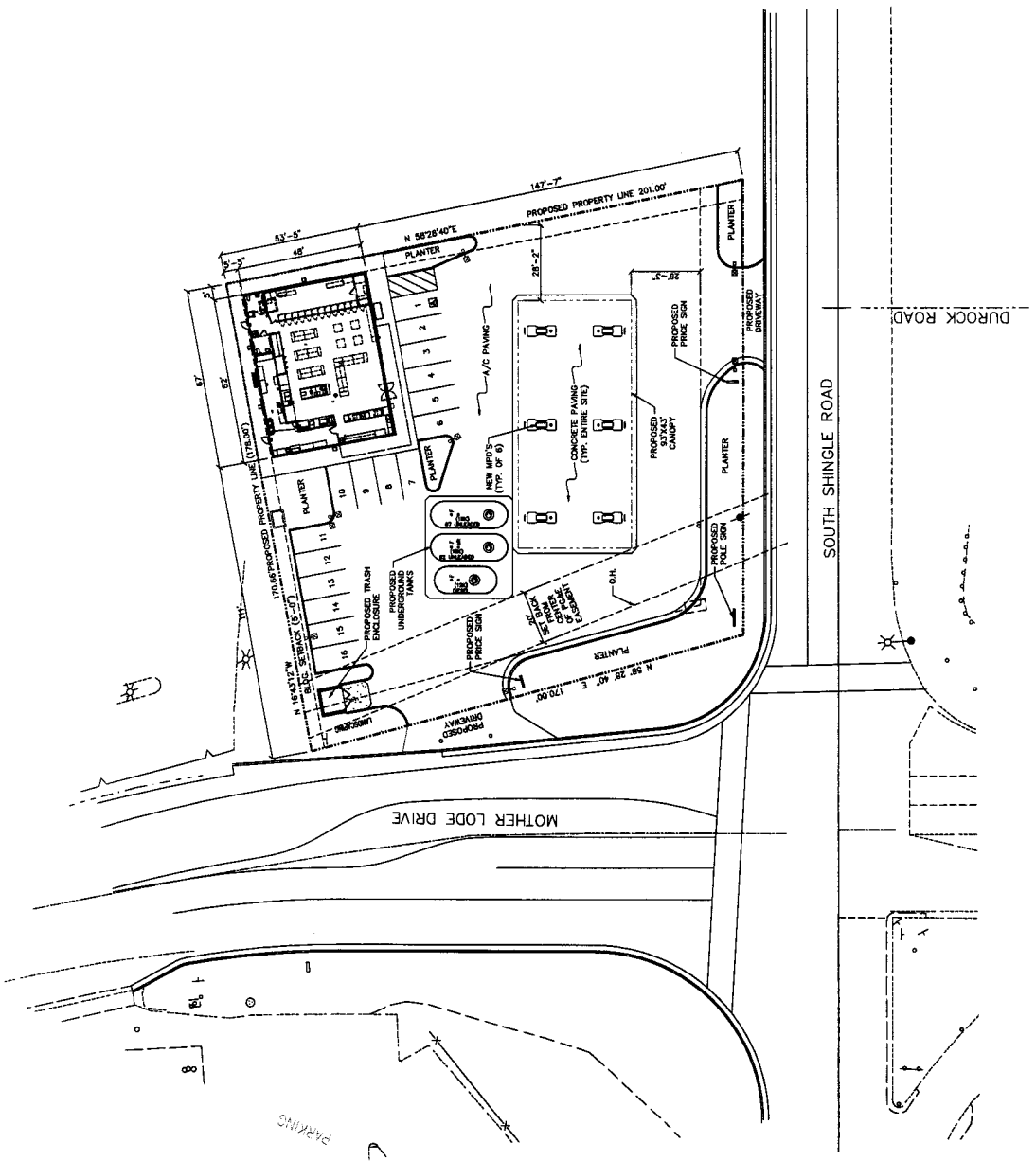
- SCOPE OF WORK
- 1 CONSTRUCT 62'x48' FOOD MART.
 - 2 CONSTRUCT 93'x43' CANOPY.
 - 3 CONSTRUCT NEW FUELING SYSTEM WITH 6 DISPENSERS.
 - 4 INSTALL NEW UNDERGROUND TANKS.

SITE INFORMATION

ITEM	SIZE	LOT #	AREA (SQ. FT.)
TOTAL LOT AREA	AS SHOWN	N/A	31,683.17
FOODMART	62' x 48'	9.33	2,976.00
CANOPY	93' x 43'	12.54	3,999.00
LANDSCAPING	AS SHOWN	15.05	4,802.07

PARKING: 1-17'x18' HANDICAP PARKING
 15-9'x18' STANDARD PARKING

Approved by: **ConocoPhillips**
 Date: _____



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C:\WORK\SPRING RD & MOTHER LODGE DRIVE (SHINGLE SPRINGS) DRAWINGS (09-24-09)\INSRT-STREET PLAN (DR09-09-22-00-22) (REV 1.0) 9/25/09

EXHIBIT E

DR 00-0011

09-117.M.5

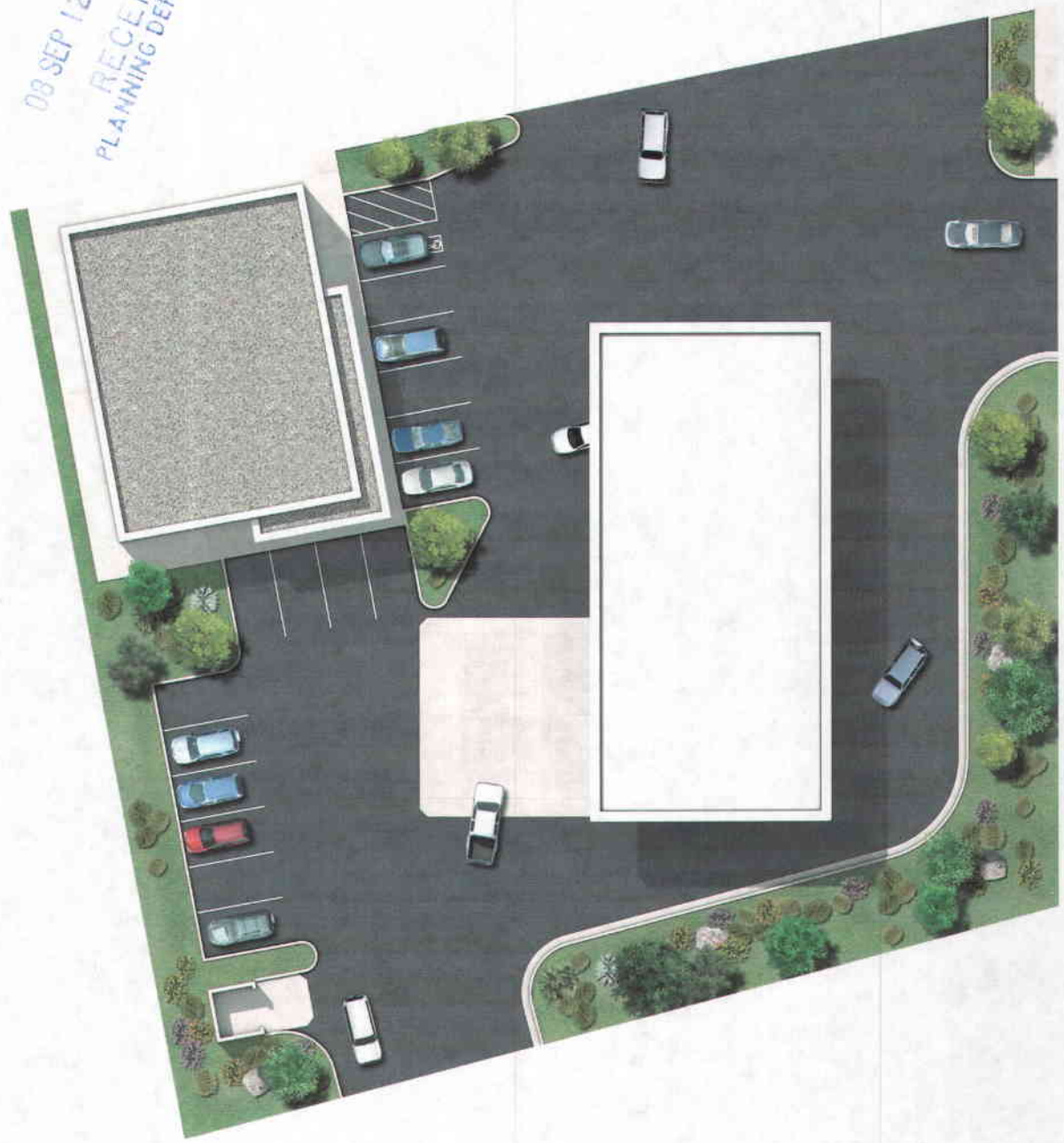


PLANS PREPARED BY:
A & S ENGINEERING
 PLANNING ENGINEERING CONSULTANTS
 207 W. MARKET AVE. STE. 203 BURBANK, CA
 (PH) 818-837-3000 FAX 818-837-3000

Conoco Phillips COMPANY
 5611 HARBOR BLVD. # 200, SANTA ANA, CA
 STORE# : 00000
 ADDRESS: S.E.C. SOUTH SHINGLE SPRINGS RD. & MOTHER LODE DR
 SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

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Approved by
ConocoPhillips
 ConocoPhillips

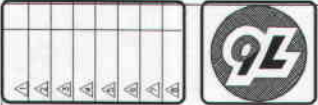
S.E.C. SOUTH SHINGLE SPRINGS RD. & MOTHER LODE DR.
 SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

EXHIBIT E1

09-1017.M.6

DR 00-0011

H:\Phillips\SHINGLE SPRINGS RD. & MOTHER LODE DR (SHINGLE SPRINGS)\TITLE BLOCK.dwg



A.S. ENGINEERING
 PLANS PREPARED BY
 207 W. ALHAMBRA AVE. STE 203 BIRMGHAM, CA 92603
 PHONE: 916-854-5558 FAX: 916-854-5593

Conoco Phillips COMPANY
 STORE # : 00000
 ADDRESS: SE C SOUTH SHINGLE SPRINGS RD & MOTHER LODE DR
 5011 HARBOR BLVD # 200, SANTA ANA, CA

DATE
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DATE
BY
DATE
BY

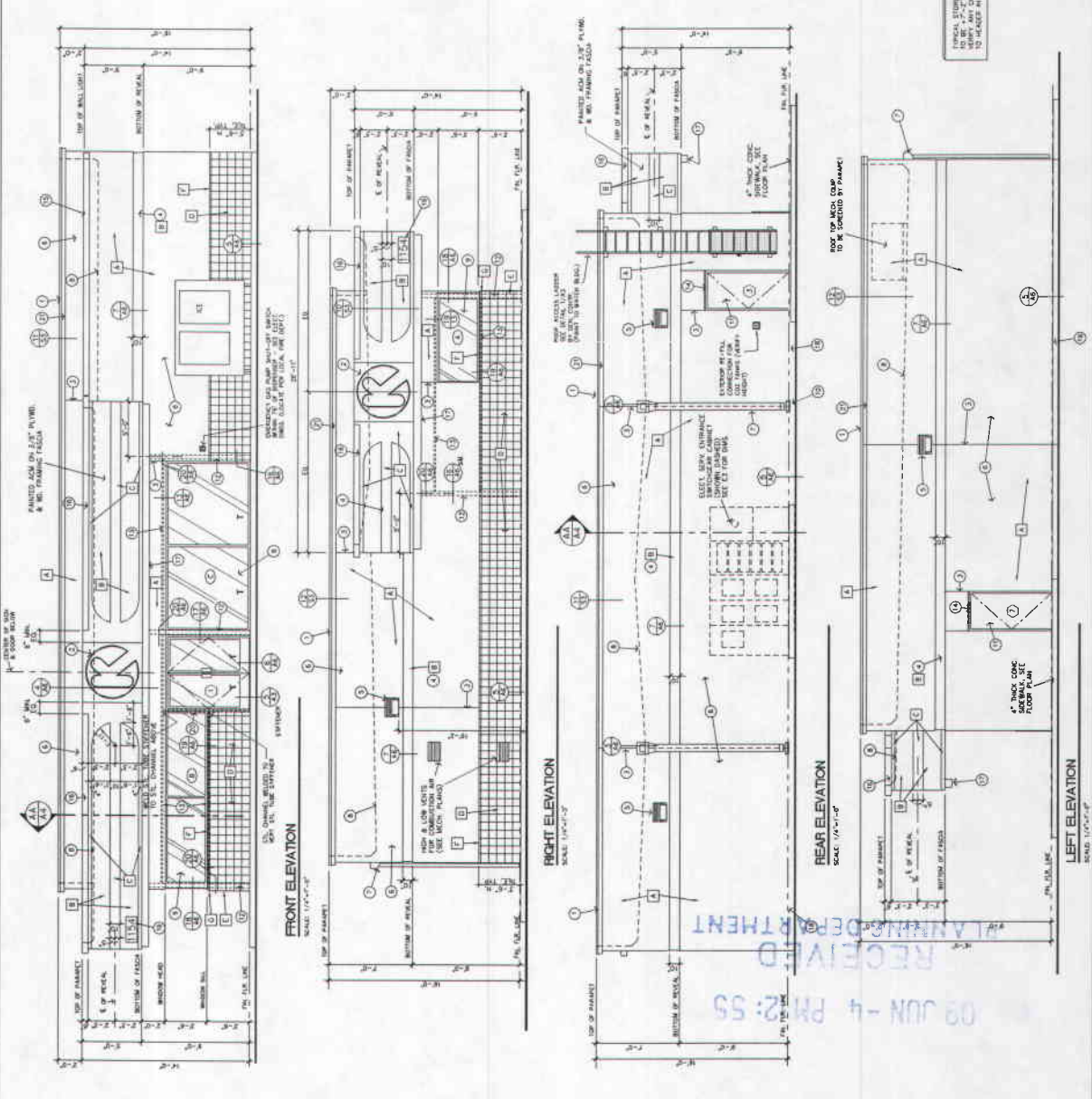
A2

EXTERIOR FINISH SCHEDULE

NO.	DESCRIPTION	COLOR / FINISH
A	CONCRETE	GRAY
B	CONCRETE	GRAY
C	CONCRETE	GRAY
D	CONCRETE	GRAY
E	CONCRETE	GRAY
F	CONCRETE	GRAY
G	CONCRETE	GRAY
H	CONCRETE	GRAY
I	CONCRETE	GRAY
J	CONCRETE	GRAY
K	CONCRETE	GRAY
L	CONCRETE	GRAY
M	CONCRETE	GRAY
N	CONCRETE	GRAY
O	CONCRETE	GRAY
P	CONCRETE	GRAY
Q	CONCRETE	GRAY
R	CONCRETE	GRAY
S	CONCRETE	GRAY
T	CONCRETE	GRAY
U	CONCRETE	GRAY
V	CONCRETE	GRAY
W	CONCRETE	GRAY
X	CONCRETE	GRAY
Y	CONCRETE	GRAY
Z	CONCRETE	GRAY

KEYNOTES

1. ALL EXTERIOR SURFACES TO BE FINISHED PER THIS SCHEDULE UNLESS OTHERWISE NOTED.
2. CONCRETE TO BE CAST IN PLACE.
3. CONCRETE TO BE CURED WITH WET Hessian.
4. CONCRETE TO BE FINISHED WITH A BRUSH.
5. CONCRETE TO BE FINISHED WITH A BRUSH.
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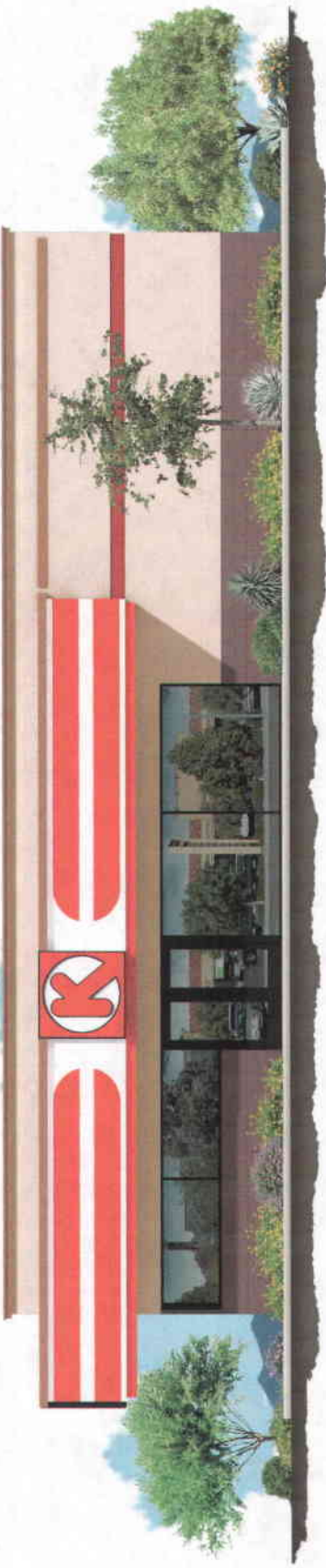




PLANS PREPARED BY:
A & S ENGINEERING
 PLANNING, ENGINEERING, CONSTRUCTION ADMINISTRATION
 5011 HARBOUR BLVD # 200, SAN ANA, CA 92704
 PHONE: 949-443-3644 FAX: 949-443-3644

Conoco Phillips COMPANY
 5011 HARBOUR BLVD # 200, SAN ANA, CA 92704
 STORE#: 00000
 ADDRESS: S.E.C. SOUTH SHINGLE SPRINGS RD. & MOTHER LODE DR. SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

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Approved By: _____
 ConocoPhillips
 DATE: _____

S.E.C. SOUTH SHINGLE SPRINGS RD. & MOTHER LODE DR.
 SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

EXHIBIT F1

09-1017.M.8

DR 00-0011

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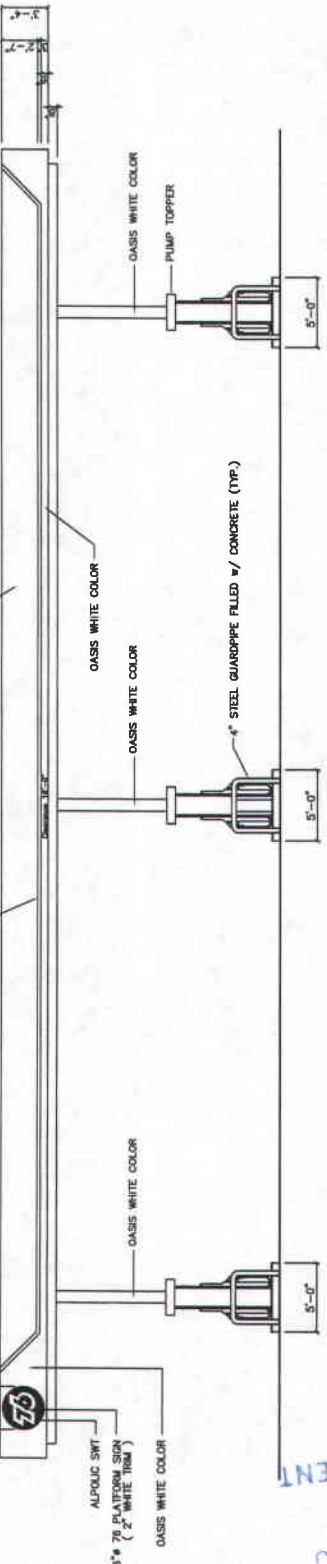


PLANS PREPARED BY:
A & S ENGINEERING
CONSTRUCTION MANAGEMENT
207 B ALAMITOS
FRENCH BRIDGE
SAN BERNARDINO, CA 91702
PHONE: 918-482-3780

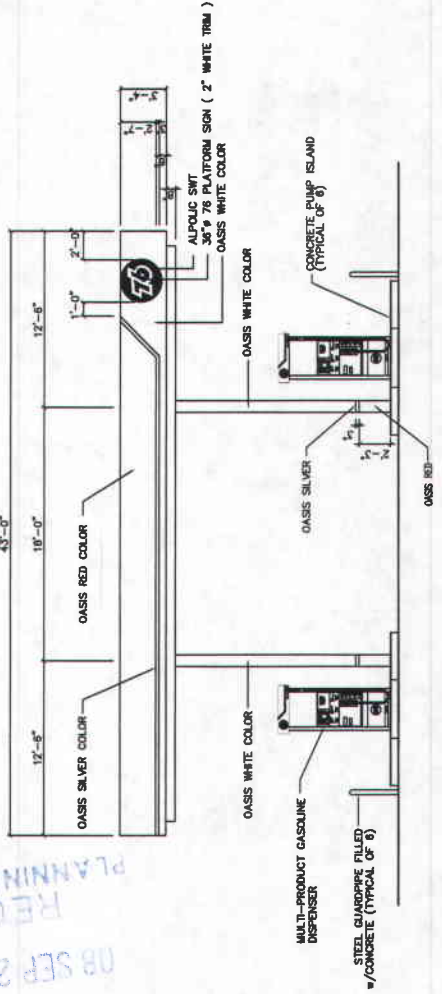
Conoco Phillips COMPANY
3911 HARBOR BLDG # 200, SANTA ANA, CA
STORE#: 00000
ADDRESS: S.E.C. SOUTH SHINGLE SPRINGS RD. & MOTHER LODE DR.
SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

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PROJECT TITLE	
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Approved by: _____
Date: _____
A1



SIDE ELEVATION FROM SOUTH SHINGLE SPRINGS ROAD (WEST ELEVATION)



FRONT ELEVATION FROM MOTHER LODE DRIVE (NORTH ELEVATION)

S.E.C. SOUTH SHINGLE SPRINGS RD. & MOTHER LODE DR.
SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

ConocoPhillips

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EXHIBIT G

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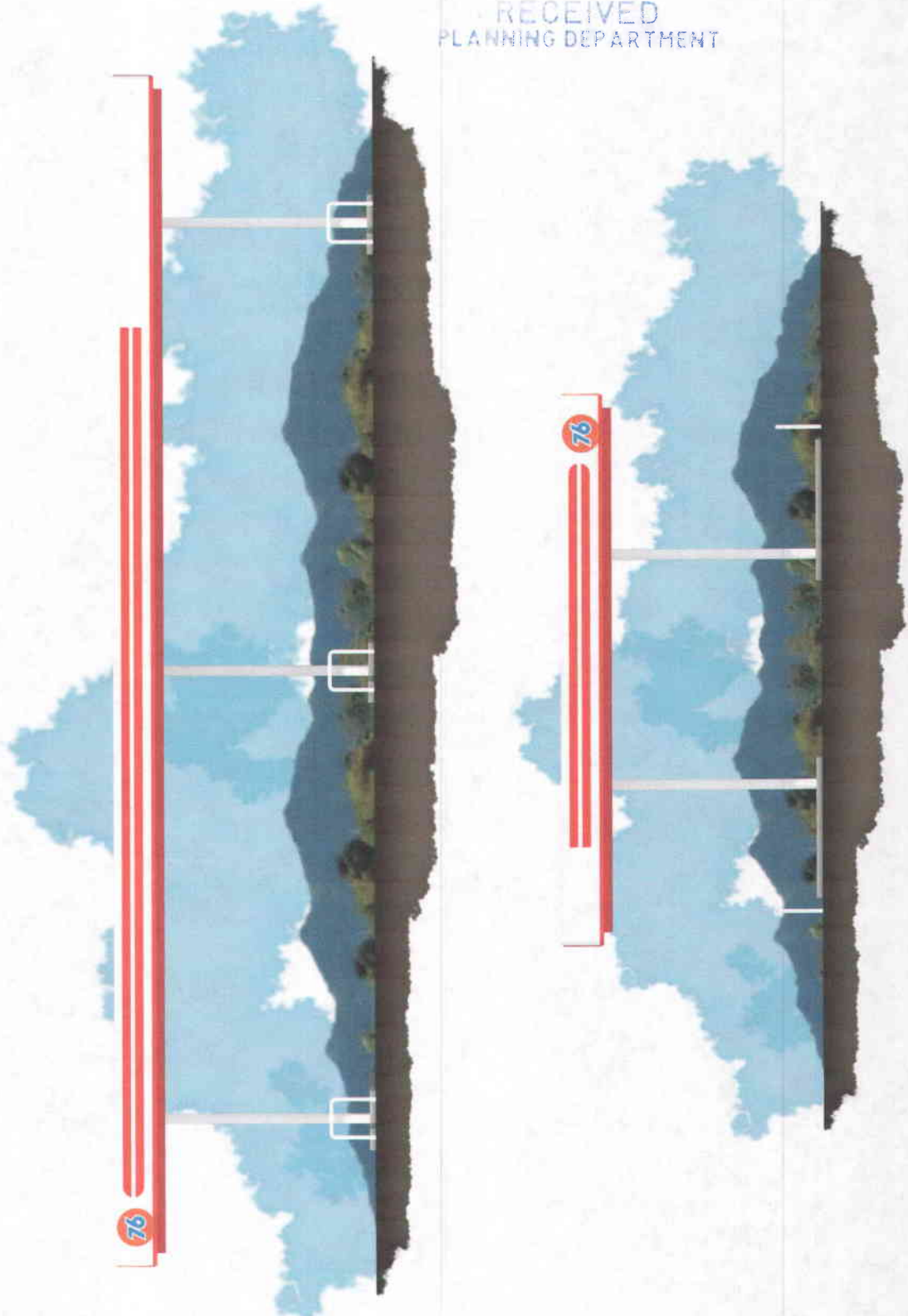


PLANS PREPARED BY:
L & S ENGINEERING
 CIVIL ENGINEERING CONSULTANTS
 207 W. LAUREL AVE. ST. LOUIS, MISSOURI 63103
 PHONE: 314-643-9644 FAX: 314-643-9644

Conoco Phillips COMPANY
 3611 HARBOUR BLVD # 2500, SANTA ANA, CA
 STORE # : 00000
 ADDRESS : S.E.C. SOUTH SHINGLE SPRINGS RD. & MOTHER LODGE DR. SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

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 SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

EXHIBIT G1

09-1017.M.10

DR 00-0011

PH:\PHILIP\SHINGLE SPRING RD. & MOTHER LODGE DR. (SHINGLE SPRING) VITE 0909.dwg

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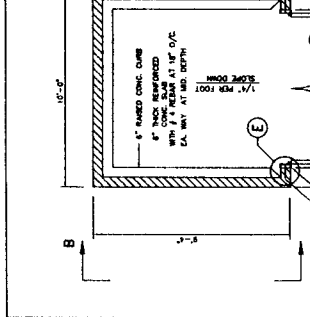
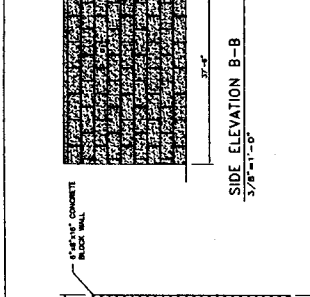
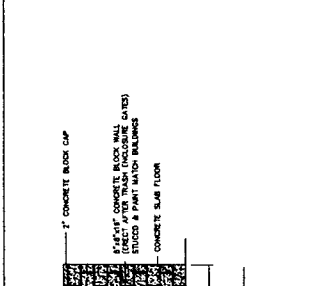


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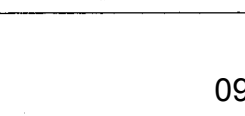
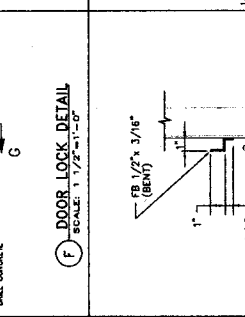
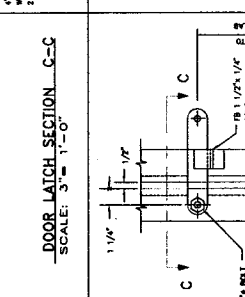
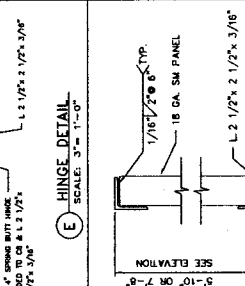
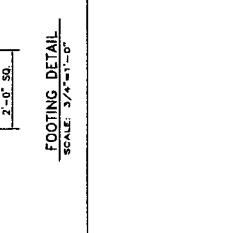
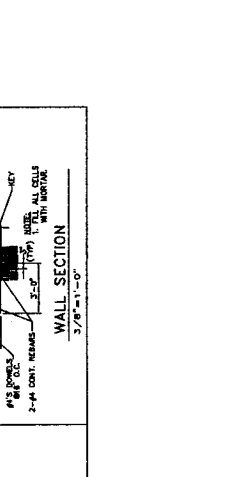
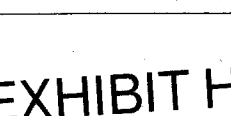
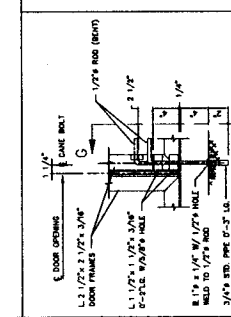
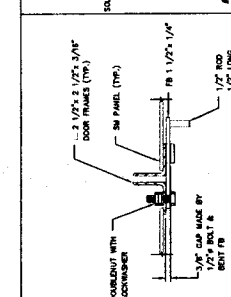
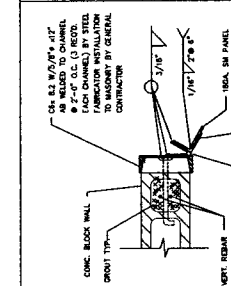
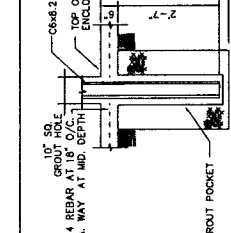
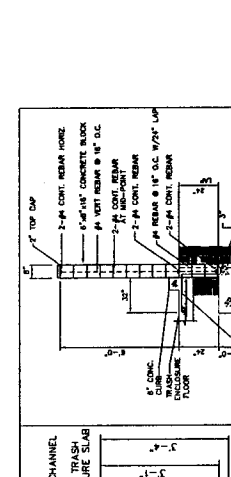
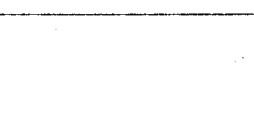
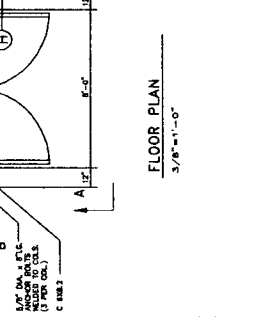
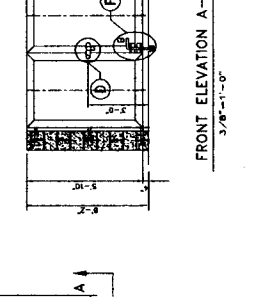
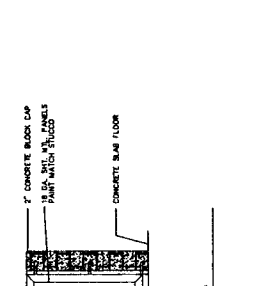
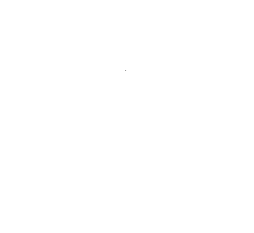
CONOCO PHILLIPS COMPANY 3501 HARBOR BLVD. #200, SANTA ANA, CA 92705

Form with fields for DRAWN BY, CHECKED BY, DATE, SHEET NO., JOB NO., TRASH ENCLOSURE DETAIL, and A3.

- CONCRETE BLOCK WALL NOTES: 1. CONCRETE BLOCK TO BE MARLBOR COLOR. 2. REINFORCING STEEL SHALL CONFORM TO A.S.T.M. A-55 SPECIFICATION.



- CONCRETE BLOCK WALL NOTES (continued): 3. REINFORCING STEEL SHALL CONFORM TO A.S.T.M. A-55 SPECIFICATION.

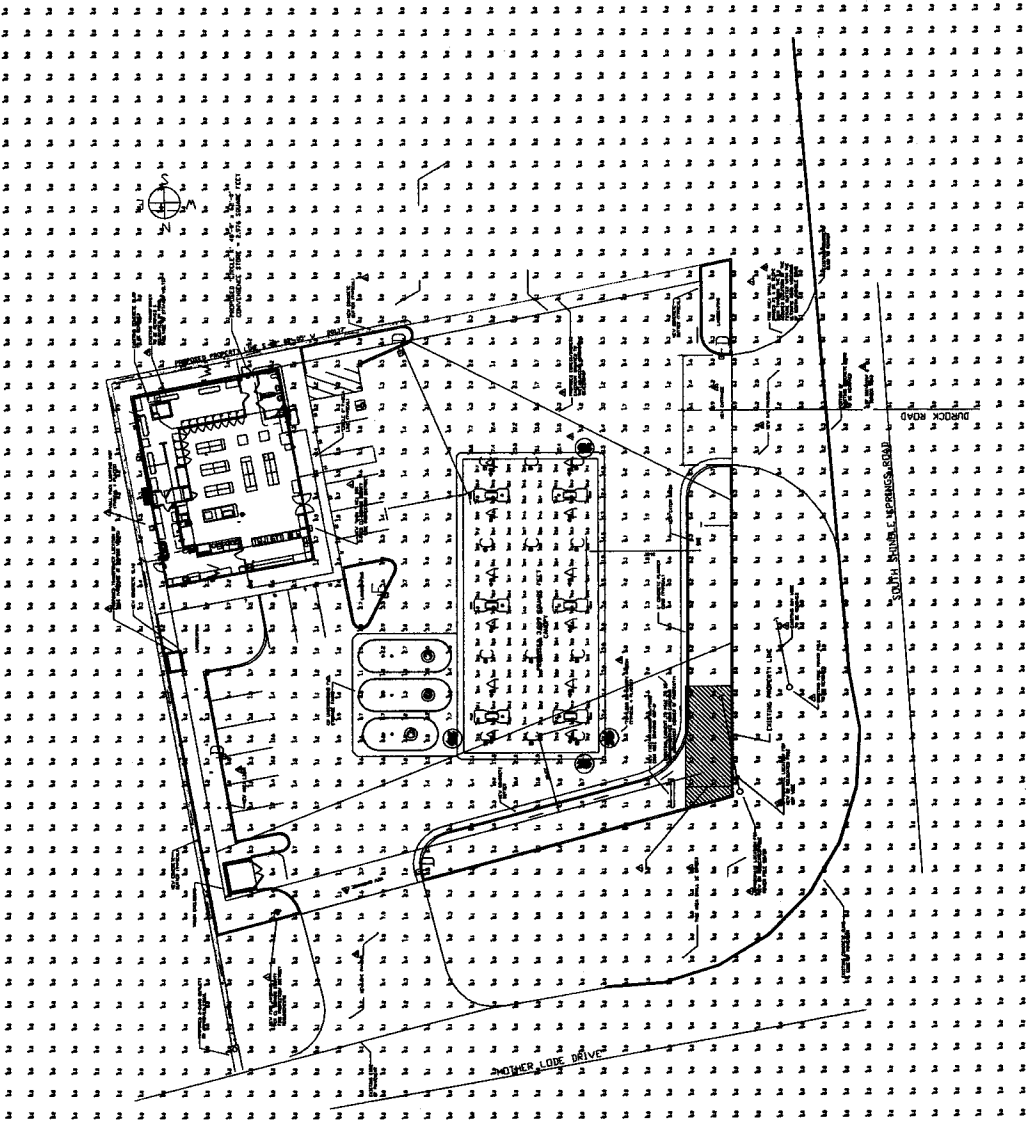


S.E.C. SOUTH SHINGLE SPRINGS RD. & MOTHER LODE DR. SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

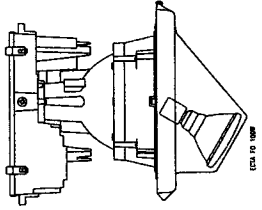
ConocoPhillips

REVISIONS: 1. 1/2\"/>

DATE: _____



ECTA FOCUS



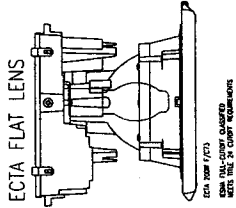
TYPE A

LAMP LAYOUT FOR 25' FIXTURE

Beam Angle	Beam Diameter at 25'	Beam Diameter at 50'	Beam Diameter at 75'
10°	8.5'	17.0'	25.5'
15°	12.7'	25.4'	38.1'
20°	17.0'	34.0'	51.0'
25°	21.2'	42.5'	63.8'
30°	25.5'	51.0'	76.5'
35°	29.8'	59.5'	89.2'
40°	34.1'	68.0'	102.0'
45°	38.4'	76.5'	114.8'
50°	42.7'	85.0'	127.5'
55°	47.0'	93.5'	140.2'
60°	51.3'	102.0'	153.0'
65°	55.6'	110.5'	165.8'
70°	59.9'	119.0'	178.5'
75°	64.2'	127.5'	191.2'
80°	68.5'	136.0'	204.0'
85°	72.8'	144.5'	216.8'
90°	77.1'	153.0'	229.5'

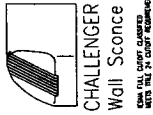
ECTA TO USE
CAN FULL-CORNER QUANTO
MEETS ILL. IN CORNER REQUIREMENTS

ECTA FLAT LENS



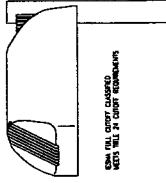
TYPE C

TYPE W



CHALLENGER

TYPE D&E



CAN FULL-CORNER QUANTO
MEETS ILL. IN CORNER REQUIREMENTS

Maintained Footcandle levels at grade,
using a 0.72 Total Light Loss Factor.

Numeric Summary

Label	Avg	Hlx	Min	Max/Min
ALL POINTS	0.62	23.3	0.0	N.A.
CANOPY	2897	86.0	12.5	2.32
				6.88

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Lumens	LLF	Description	Total Watts
(Symbol A)	12	A	SINGLE	6000	0.720	ECTA-SP-100-IP-38-FD	129
(Symbol B)	12	C	SINGLE	19000	0.720	ECTA-S-200-PSMV-F	235
(Symbol C)	4	D	SINGLE	12600	0.720	CHRHM-F-175-PSM-F-HS 16' HIGHT	208
(Symbol D)	1	E	SINGLE	12600	0.720	CHRHM-S-175-PSM-F 16' HIGHT	208
(Symbol E)	4	V	SINGLE	1800	0.750	CHUS-F1M-26-CFL-F	26

Area of Boundaries
Area = 3196 Sq Ft.
Total Watts = 5512

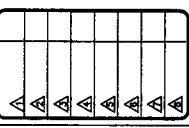
INDUSTRIES
LIGHTING PROPOSAL FOR
LABORATORY BUILDING
1220 SOUTH BOUNDARY LARSENSS ROAD
SUNDALE SPRINGS, CO
PROJECT NO. LD-78562-3
DATE: 04/20/88
SHEET 1 OF 1

DR 00-0011

EXHIBIT I

09-1017.M

Based on the current proposal, all fixtures and luminaire locations are shown. The layout is subject to change based on the availability of the layout to existing or future field conditions. The pattern represents luminance levels calculated from laboratory data. Users must understand and confirm existing current luminaire layout in this area. The manufacturer's luminaire may vary due to variation in electrical voltage, tolerance in lamp and other variable field conditions.



PLANS PREPARED BY:
A & S ENGINEERING
 3033 BARKDALE AVENUE
 SAN JOSE, CALIFORNIA 95128
 PHONE: 818-242-3780
 FAX: 818-242-3780

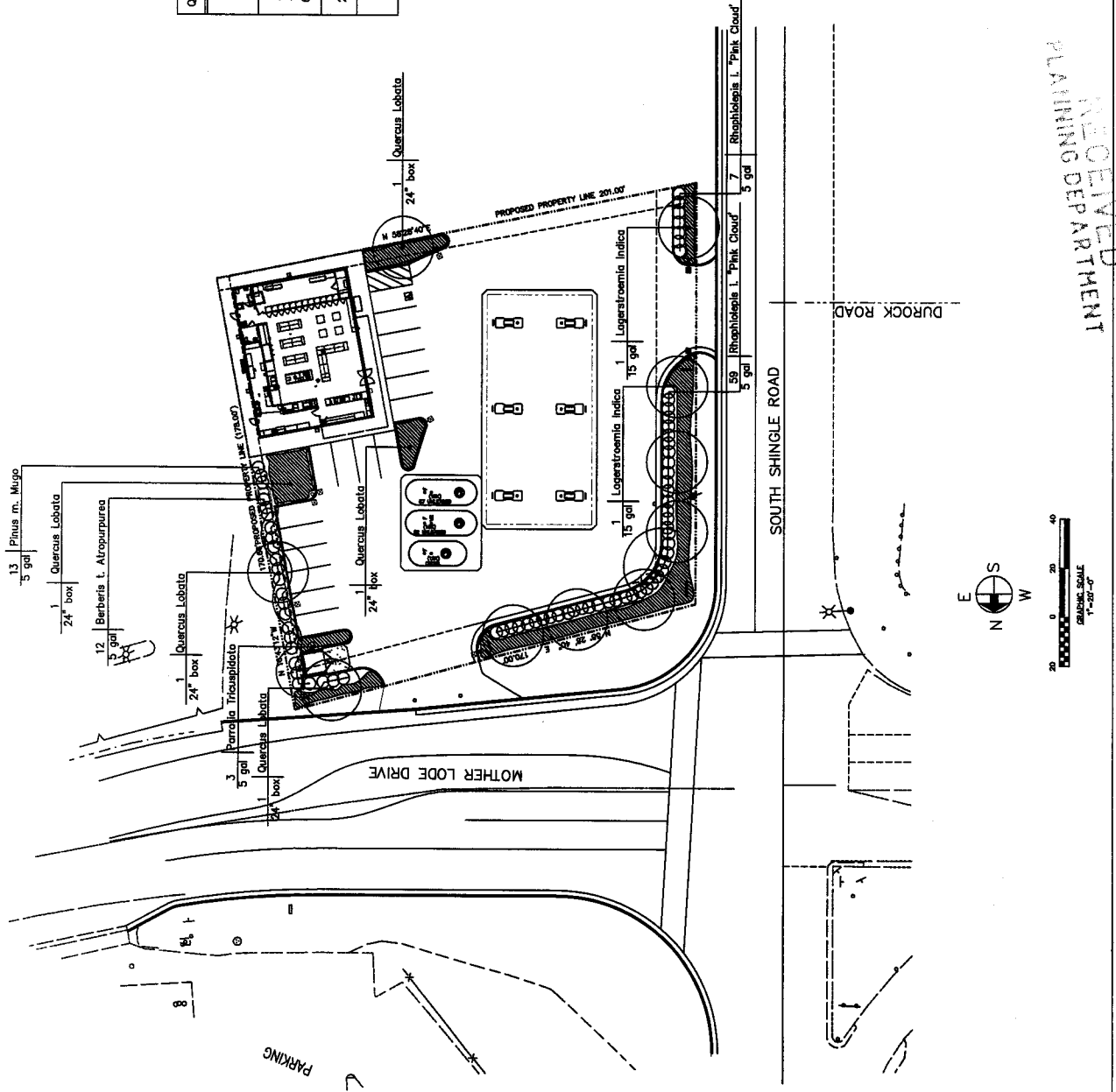
CONOCO PHILIPS COMPANY
 3511 HARBOR BLVD # 200, SANTA ANA, CA
 STORE#: 00000
 ADDRESS: SEC. SOUTH SHINGLE SPRINGS RD. & MOTHER LODE DR.
 SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

DRAWN BY: []
 CHECKED BY: []
 DATE: []
 SHEET: 17
 LANSING PLAN

Planting Legend

QTY.	SIZE	BOTANICAL NAME	COMMON NAME
4	24" box	<i>Quercus Lobata</i>	VALLEY OAK
7	15 gal	<i>Lagerstroemia Indica</i>	CRAPPE MYRTLE
13	5 gal	<i>Pinus m. Mugo</i>	MUGHO PINE
12	5 gal	<i>Berberis t. Atropurpurea</i>	JAPANESE BARBERRY
68	5 gal	<i>Rhododopsis l. "Pink Cloud"</i>	INDIAN HAWTHORN
22	5 gal	<i>Escallonia terri</i>	DWARF ESCALLONIA
3	5 gal	<i>Jasminum polyanthum</i>	PINK JASMINE

Notes:
 1. Quantities of plant materials shall be furnished to complete the work as shown by symbols on the planting plan. Plant legend quantities are for the contractor's convenience only. Should it appear that the quantities are insufficient, the contractor shall contact the landscape architect for further clarification as may be necessary.



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 09 SEP 25 PM 2:45

Approved by: ConocoPhillips
 Date:

EXHIBIT J

DR 00-0011

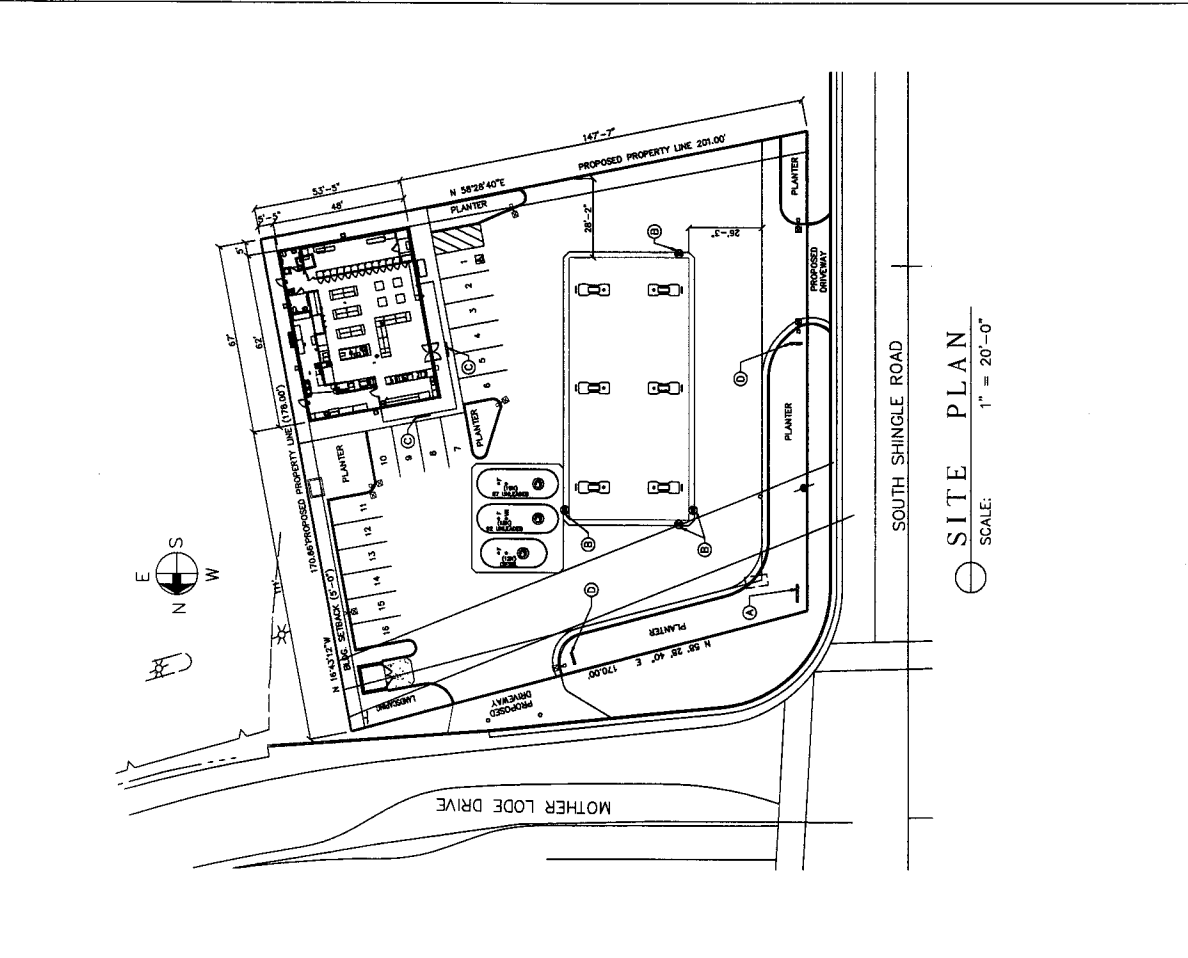


PLANS PREPARED BY:
A & S ENGINEERING
PLANNING ENGINEERS
CONSTRUCTION MANAGEMENT
207 W. ALHAMBRA AVE
SANTA ANA, CA 92705
PHONE: 818-242-2750

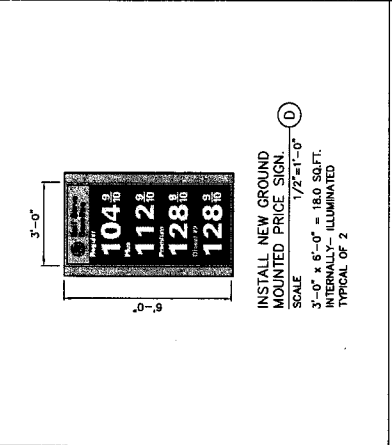
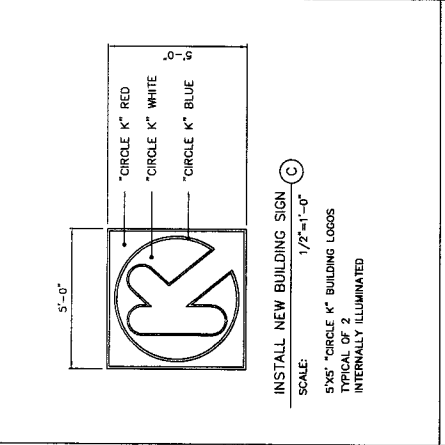
STORE#: 00000
ADDRESS: S.E.C. SOUTH SHINGLE SPRINGS RD. & MOTHER LOPE DR.
SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA
Conoco Phillips COMPANY
3611 HARBOR BLVD. # 200, SANTA ANA, CA

DRAWN	
CHECKED	
DATE	
DWG. NO.	
SHEET	

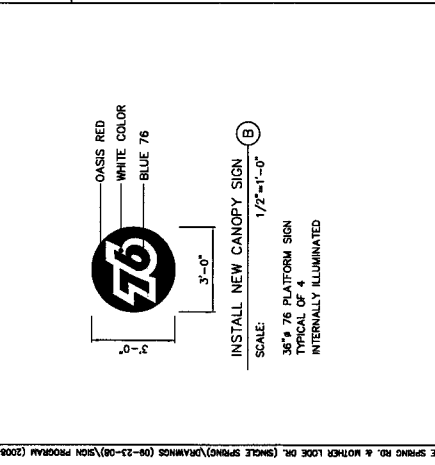
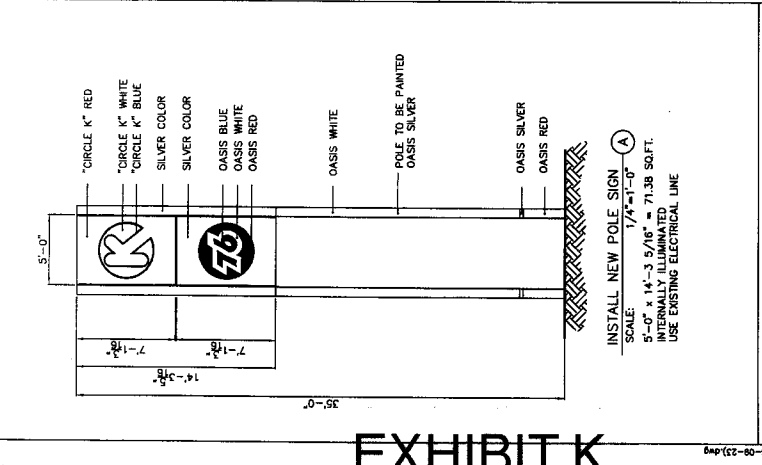
SP1



Approved by: _____
Date: _____
ConocoPhillips
RECEIVED
PLANNING DEPARTMENT
09 SEP 25 PM 2:45



NO.	SIZE OF SIGN	SQ. FT. EACH	QTY.	TOTAL SQ. FT.
A	5'-0" x 14'-3 5/16"	71.38	1	71.38
B	36" x 76"	7.06	4	28.24
C	5'-0" x 5'-0"	25.00	2	50.00
D	3'-0" x 6'-0"	18.00	2	36.00
TOTAL AREA (SQ. FEET):				185.62



Bl 00-35

APPROVED BY THE PLANNING DIRECTOR *[Signature]*
DATE 5-15-03

SITE INFORMATION	
AREA	YUSO MARKETING COMPANY 3500 SHINGLE SPRINGS RD. DENVER, COLORADO, 80202
DESIGNER	W.S. ENGINEERING C
DRAWN BY	W.S. ENGINEERING
DATE	5-15-03
SCALE	AS SHOWN
PROJECT	75' GAS STATION & "CIRCLE K" STORE
REVISIONS	
NO.	DATE
1	5-15-03
2	5-15-03
3	5-15-03
4	5-15-03
5	5-15-03
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100	5-15-03

YUSO MARKETING COMPANY
"K" GAS STATION & "CIRCLE K" STORE
PROPOSED BOUNDARY LINE
ADRIAN, COLORADO

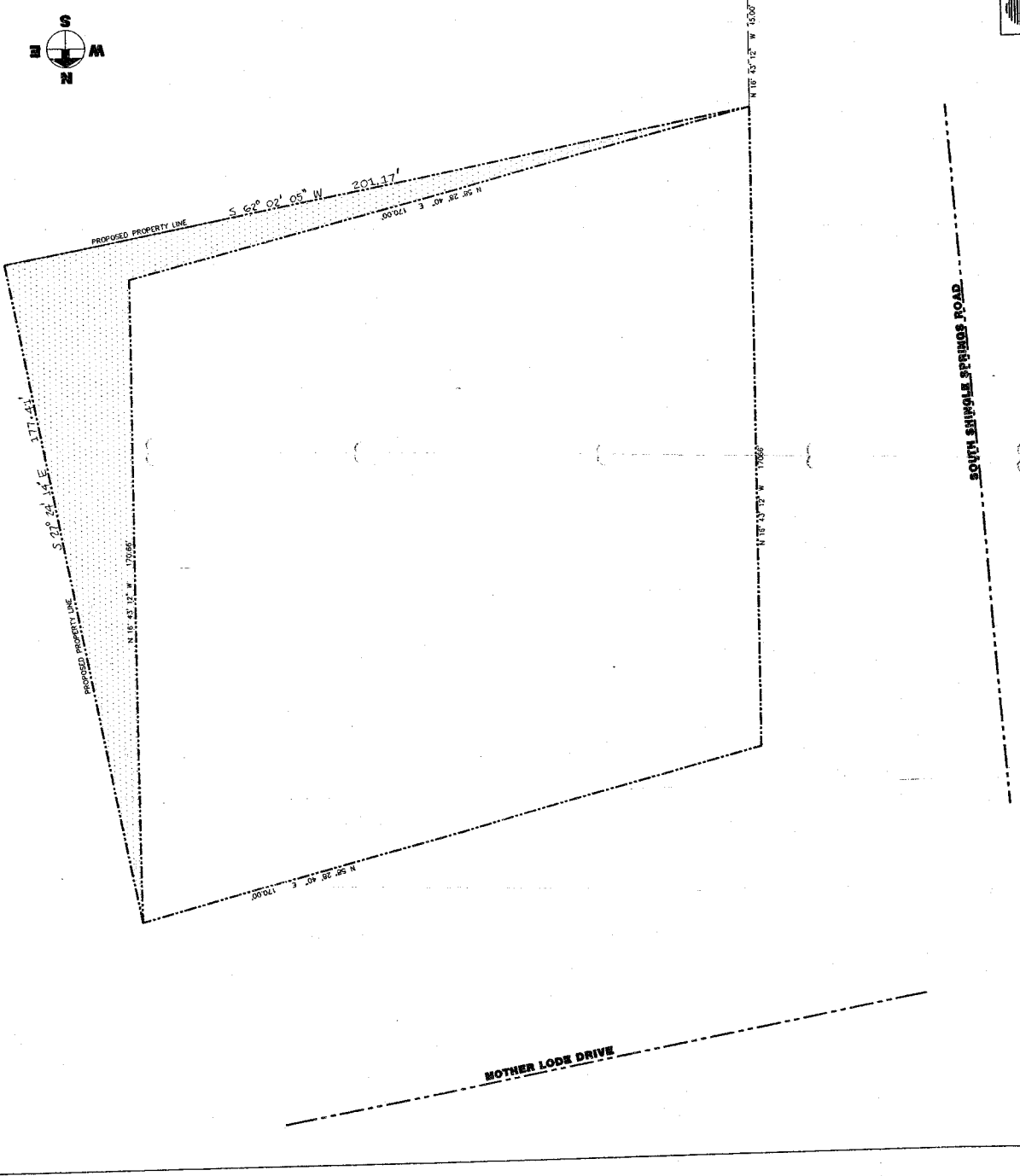
S.E.C. SOUTH SHINGLE SPRINGS RD. & MOTHER LODGE DR.
SHINGLE SPRINGS (EL DORADO COUNTY), CALIFORNIA

SCALE: 1" = 10'-0"
DATE: 5/15/03
DRAWING: P-3
SHEET: 15 OF 15



W.S. ENGINEERING
Professional Engineer
No. 10004
Civil Engineering
10004

NOTE: ALL JEANS ARE NEW UNLESS NOTED OTHERWISE.





Alfa Omega Associates

Management Consulting • Public Relations • Publicity
Specializing in Land-Use, Environmental & Historic Preservation Issues

3410 Sunshine Way • Auburn, CA 95602-9284

Tel: 530-885-8460 • Fax 530-885-8886 • Cell: 530-308-2689

E-mail: drdalesmith@aoaconsult.net

Dr. Dale Smith, H.H.D., General Manager

October 23, 2008

Ms. Lillian MacLeod
Project Planner
El Dorado County
2850 Fairlane Court
Placerville, CA 96767

Sent by Email and USPS on 10-24-08

Ref: EDC Notice of Public Hearing - BOS Nov. 4, 2008 - 2:00pm - Design Review DR00-11

(NOTE: The Staff Report emailed at 9:02am, 10-24 with many documents - we still send the letter for the many questions still unanswered. Some sentences on Staff report have strikelines.)

On the behalf of our client, *Friends of Shingle Springs Interchange, Inc. (FSSI)* we have a number of questions from your email response today to our letter of 10-21-08. I have taken that email and numbered the statements for which I have questions and/or comments.¹

The information provided in your letter is simply not understandable or does not give us necessary details to prepare for the November 4, 2008 BOS Hearing.

One of, if not "the" most puzzling thing about the Notice you served us with is its announcement that on 11-04-08 the Board will "**reconsider**" some prior unidentified approval the Board rendered "**following an appeal ... submitted by ConocoPhillips ...**"

Under these circumstances, it is virtually impossible to understand or explain to existing and potential FSSI members what is taking place and what will take place at the upcoming hearing. Based on my own personal knowledge in dealing with such matters, this greatly precludes or interferes with our ability to recruit FSSI members and donors in order to pose a legal challenge to your actions and those of the applicant.

Therefore, in addition to the right of public participation under CEQA and the Planning & Zoning Law, vital first amendment constitutional rights are being blatantly thwarted here.

¹ As an introductory matter "for the record," FSSI and others have consistently objected to and hereby renew those objections to approval of this project as presently proposed, based on all the grounds stated by any person or party throughout the CEQA and Planning & Zoning Law proceedings. All these past, present and future objections, grounds and comments concerning the project are hereby incorporated by this reference as if fully restated here.

**FSSI Answers and question to El Dorado County Letter from Lillian MacLeod
Design Review DR00-11 Email to AOA on 10-23-08 - 2 of 9**

In order for us to be properly prepared we have to know what is the finding and resolution that Staff is asking the Board to make. That is certainly not discernable in your email letter. Your questions are in Arial Font and underlined:

(1) - "First, the public hearing completes the EIR process that was required by the Board subsequent to an appeal being filed on the approved project by a member of the public."

Please explain how this public hearing completes the EIR process that was required by "the Board subsequent to an appeal being filed on the approved project by a member of the public."

To our knowledge the ONLY appeal that could ever have been filed was at the Planning Commission stage, when the decision was made to approve the project pursuant to a Mitigated Negative Declaration in lieu of an EIR. To our knowledge, no appeals to Board of Supervisors decisions are allowed or have been made,² and we are not aware of anyone having requested "reconsider[ation]," or any County regulations allowing requests for "reconsider[ation]" under existing circumstances.

The language used in the Notice, in the context of the facts & circumstances of this case, makes it look like ConnocoPhillips is appealing the initial decision of the Board to prepare an EIR. Surely this cannot be the case. Is some other approval been rendered by the Board that FSSI and other members of the public never received notice of over the two-plus years that this project has remained dormant? Exactly what is the Board going to consider or reconsider? This notice does not make this clear. Far from it. The Notice is constitutionally inadequate, as a matter of procedural due process. We strongly object to such constitutional illegality.

[Q- 1] - How do the actions of the Board projected for 11-04-08 "complete the EIR process?"

[Q-2] - You strongly imply this was an - approved project - do you mean approved by the Planning Commission? Exactly what does the Staff mean by this statement? The project was NOT approved by the Board of Supervisors which ordered a full EIR at the Public Hearing of June 11, 2002 when the Staff tried to push this project through on a Mitigated Negative Declaration.

[Q-3] - What is the name of the "member of the public" who filed the appeal? Please provide us with a copy of the appeal. We fully participated in all CEQA and Planning & Zoning Law proceedings regarding this project from the beginning in 2001, but our records do not contain any information regarding such an appeal, or a request for reconsideration.

(2) - "Conoco did not appeal their own approval."

² As further pointed out below, EVEN IF THE APPLICANT APPEALED OR SOUGHT RECONSIDERATION OF THE BOARD'S DECISION TO REQUIRE AN EIR, THIS APPEAL OR REQUEST WAS RENDERED MOOT BY THE APPLICANT'S PREPARATION AND SUBMISSION OF A DRAFT EIR, FOLLOWED BY A PURPORTED FINAL EIR.

**FSSI Answers and question to El Dorado County Letter from Lillian MacLeod
Design Review DR00-11 Email to AOA on 10-23-08 - 3 of 9**

This is absolutely non-sensical. What "appeal" are you and the Notice referring to? The last thing we are aware of in the CEQA review process on this project was the submittal of the Final EIR after the circulation of the Draft EIR more than two years before (which by itself is a source of significant confusion).³

What "approval" are you referring to? As previously stated, we are not aware of any final approval in the technical CEQA sense.

Of course, we know the applicant wouldn't appeal its own approval, but the Notice of public hearing dated 10-20-08 had the following statement:

The El Dorado County Board of Supervisors will hold a public hearing in the Supervisors Meeting Room, 330 Fair Lane, Placerville, CA 95667 on November 4, 2008, at 2:00 p.m., to **reconsider**, following **an appeal**, Design Review DROO-001 1 **submitted by ConocoPhillips** (Agent: Griffin Williamson) for a proposed 2,976 square foot Circle K mini-mart; and 76 gas station. Etc. (Emphasis added.)

That clearly states that there was to be reconsideration of and appeal by ConocoPhillips. By itself, THIS IS A SERIOUS ENOUGH ERROR TO INVALIDATE THE NOTICE. We respectfully demand that a CORRECTED notice be provided, AND THAT THE HEARING PRESENTLY SET FOR 11-04-08 BE RESCHEDULED ACCORDINGLY to comply with state and local laws and regulations dealing with proper notice.

By the way, that designation in the Notice of Public Hearing had this identification - DROO-001 1 and that is different from other ID's unless there has been a change in this ID, please inform us.

(3) - "In preparing the Final EIR, additional analysis was required as a result of public comment that lengthened the process."

My very first reaction to the receipt of the September 2008 FEIR from Pacific Municipal Consultants (PMC) was how small it was.

Excuse me, you wrote -- "public comment that lengthened the process."

There were only 67 pages of Public Comment in total on the DR 00-11 project DEIR, all of them dated in early 2006. Here is a short history of this matter and with it, the explanations of what really happened in this saga.

³ We strongly object to the Final EIR prepared by the applicant, and its approval or certification as presently proposed, on the ground that the Draft EIR must be UPDATED & RECIRCULATED to take into account the many potentially significant changes in conditions and environmental setting in an area undergoing such significant and consistent growth (and most recent slow down) over a period of more than two years. This is particularly true in regard to economic and financial changes and their potential for causing physical environmental effects in combination with the impacts from the present project.

**FSSI Answers and question to El Dorado County Letter from Lillian MacLeod
Design Review DR00-11 Email to AOA on 10-23-08 - 4 of 9**

(A) - In a public hearing on June 11, 2002, the Board remanded this project back to the Planning Department for the preparation of an EIR. The whole process of the EIR started then and is on record in the County documents.

(B) - The NOP for the DEIR was issued on October 13, 2002, a period of four months from the June hearing. FSSI filed 37 pages of comments with a systematic Table of Contents on both hard copy and CD for the convenience of the County/Consultant and an approximate 250 pages of exhibits on November 12, 2002, which was within the 30 day comment period. The County accepted this material without objection. It is clearly part of the project's Administrative Record.

(C) - There was another NOP of a Draft Environmental Impact Report issued around May 20, 2005, there is no exact date on this NOP. The ending date for filing was June 20, 2005. AOA filed comments on the behalf of the appellant, FSSI on June 14, 2005, with this statement:

Incorporation by Reference: By this reference, FSSI incorporates all materials in the "project file and related documents" mentioned in the first NOP, dated 10-13-02 at p.1 of the material attached to the NOP, under Appendices and List of Relevant Documents. This includes, in particular, all materials previously submitted by FSSI, its consultant, attorneys and experts in the Mitigated Negative Declaration proceedings, some of these materials are also attached to this letter.

Rather than altering the enclosed AOA letter of 11-11-2002, I am attaching it and thereby incorporating all the contents by reference as most of the material, with the exception of some dates is totally applicable to this new NOP.

Not only is our 11-11-02 letter sent to you on hard copy but that vital document is created in MS/Word with an interactive table of contents permitting real-time access to any subject. This will be a time saver in your preparation of the contents of the DEIR. A disk is enclosed.

(D) - The Pacific Municipal Consultants DEIR was finally issued November 2005, a period of three (3) full years from our 11-12-2002 filing. That DEIR is two inches thick. We do not have a record of the comments filed by others in this case, but in total the comments are very few in comparison to what was created by PMC

(E) - Alfa Omega Associates filed on the behalf of FSSI, and other members of the public, our 31 pages of comments on the DEIR on January 24, 2006. Other citizen comments were filed around that time, a total of ONLY 67 pages, hardly so much "public comment that lengthened the process."

(F) - As stated above there were only 67 pages of public comment on which PMC had to comment for the FEIR. However, the FEIR did not come back to the County until September 2008. An incredible eight (8) years passed from the time of the issuance of the first NOP on October 13, 2002 and the issuance of the FEIR in September, 2008.

**FSSI Answers and question to El Dorado County Letter from Lillian MacLeod
Design Review DR00-11 Email to AOA on 10-23-08 - 5 of 9**

We continue with our questions:

[Q-4] - Is El Dorado County Planning Department trying to hang this timing problem on the back of "public comment?" This is not true and I find it disingenuous to use this argument. There was very little public comment, (67 pages) and the response from PMC will show this to be true. The blame for any problems with fulfillment of time requirements rests totally with El Dorado County. The brief history should put that concept to rest.

[Q-5] - It seems to us that the PMC took more time to do this than was necessary, why do you make the allegation that - "... public comment that lengthened the process?"

Your next statement:

(4) - "It was further lengthened in order to revise the scope of work and corresponding contract requirements, based on the added analysis."

Although generally speaking the cause of the delay may be irrelevant, its effects are not. CEQA, and the Planning & Zoning Law, require "good faith" investigation, evaluation and disclosure. We do not believe this good faith has been shown. On the contrary, it clearly appears that the delay was an intentional effort to dissipate or dissolve the strong public opposition to the project as presently proposed, and particularly in regard to its severe health and safety impacts stemming from the violation of applicable standards & regulations.

[Q-6] - You state that "It was further lengthened in order to revise the scope of work". We ask, in view of the very few public comments why was this necessary? What exactly made it necessary to revise the scope of work?

We are entitled to obtain copies of the "corresponding contract requirements, based on the added analysis." We ask that these be made available immediately and ask that you inform us as soon as this material is ready.

(5) - The Board is holding a hearing on November 4 and as the applicant wishes this to be concluded, and we are mandated to streamline permit review, I placed it on the soonest hearing date possible.

Perhaps we are getting closer to the bottom line in this situation. "streamline permit review" is what this is all about, but we find it hard to reconcile the reality that there are so many errors and so much confusion, as outlined above in the Notice of Public Hearing. I believe it is totally incomprehensible to find out what this Hearing is all about.

Placing this hearing "on the soonest hearing date possible" is quite alright with us, but only if we are able to obtain the necessary documents to be able to prepare properly for this all important hearing.

From the last filing AOA/FSSI made, on January 24, 2006 there has not been a single word of any kind from the El Dorado County Planning Department, the Planning Commission, or the Board of

**FSSI Answers and question to El Dorado County Letter from Lillian MacLeod
Design Review DR00-11 Email to AOA on 10-23-08 - 6 of 9**

Supervisors. That is a period of three years and nine months, now the Planning Department wants to ramrod this hearing through on November 4, 2008 without even a clear picture of what is to be presented to the Board and without supplying the necessary documents to AOA/FSSI in a timely manner.

This is absolutely wrong, and we feel certain that the courts will agree with us on this issue, but there are still six more questions/comments in your email of 10-23-08 which must be presented.

(6) - "Election Day should not interfere with the proceedings." While this may be an unimportant issue to some, myself as well as FSSI members and other members of the public value highly the freedoms we have in America and strongly object to and oppose any government entity discourages voting. Indeed, this just adds to the statutory and constitutional violations associated with adequate notice previously raised.

(7) - "Further, CEQA does not require circulation of the FEIR for additional public comment." Literally, or technically, this may be true, but under the facts and circumstances of this particular case RECIRCULATION OF THE DRAFT EIR (WHICH MAY INCLUDE MATERIAL FROM THE PURPORTED FINAL EIR SUBMITTED BY THE APPLICANT) IS REQUIRED. The Final EIR submitted by the applicant only purports to address the comments submitted by FSSI and other members of the public in 2006. It does not address all the changes that have occurred since then. It must be updated accordingly.

(8) - "You raised the driveway issues several times in your letter. Those issues have been analyzed and addressed under Impact 4.12.3 of the DEIR and Responses 1-2, 3-2, and 3-4 to 3-6 of the FEIR."

Finally the rubber meets the road. This is exactly where we disagree heartily with what has been written by the PMC commenter in the FEIR. We do not believe that "Those issues have been analyzed and addressed under Impact 4.12.3 of the DEIR and Responses 1-2, 3-2, and 3-4 to 3-6 of the FEIR."

Your statement seems to indicate this is not going to be a factor or even a point of discussion. We do not believe that to be true or accurate, and we cannot let any such letter in any way abridge or take away the legal rights of our client, Friends of Shingle Springs Interchange, Inc. or the other citizens who have filed against this most dangerous project.

This is precisely why the Staff Report and the other documents that we have asked for in this letter are so very important to us to obtain at the earliest possible time.

(10) - "The other concerns you've expressed can be addressed at the public hearing for the Board to consider."

One grows tired of having to repeat, "we don't know what is to be contained in this hearing, the EDC Planning Department has not made that clear, and that is prejudicial to our Client." Our cursory reading of the materials you sent this morning only make the matter more confusing, and if it is confusing for a professional, what is for the general public?

**FSSI Answers and question to El Dorado County Letter from Lillian MacLeod
Design Review DR00-11 Email to AOA on 10-23-08 - 7 of 9**

(11) - "I will forward your letter on to the Board, as well as the consultants in order for them to be aware of the issues you've raised."

Thank you, Ms. MacLeod for doing that. Please see that this letter gets to them also. And thank you for your help in our brief telephone conversation yesterday.

We are still concerned about this rush to get this item on the Board Agenda, and sincerely question the need for this action in that it puts us in a very difficult position when there is so much to read and digest and so little time in which to do this.

Our concerns as have been expressed again and again all through this nearly nine year process are based on CEQA Law. The condensations of that law are found in the CEQA Guidelines adopted by the Resources Agency. We cite three main purposes of CEQA:

- To inform public decision-makers of potential adverse environmental impacts of public or private projects carried out or approved by them.
- To provide for public participation in the environmental review process.
- To identify, and require the implementation of, feasible alternatives or measures that would mitigate (reduce or avoid) a proposed project's adverse environmental impacts.

While state law does not rank these purposes in terms of importance, individual stakeholders have their own rankings depending on their own particular interest in the CEQA process. As public stakeholders in this process we have identified many times in our documentation filed with the El Dorado County Planning Department, the most grave concerns about this project.

Again and again we have expressed these concerns, as in our DEIR Comments of 11-11-2002:

What the driveways safety issue addressed by our consultants, Smith Engineering & Management, is all about is that the Board seems poised to lower traffic safety standards to accommodate a particular developer, for apparent economic reasons. We strongly challenge the Board's legal authority to take such action.

The lowering of existing safety standards itself is an action with obvious potentially significant impacts that must be analyzed in their own right, from a regional as well as project-specific standpoint, in the existing context or "environmental setting," which obviously includes the ongoing, unprecedented land use planning crisis.

Throughout the documents submitted by the FSSI, AOA and SMITH ENGINEERING and MANAGEMENT, CA Registered Traffic Engineer 21913 Daniel T. Smith, Jr. CA Traffic Engineer 938 we have maintained the above position with the strongest of words.

The El Dorado County Board of Supervisors lacks authority, jurisdiction or discretion to lower safety standards to accommodate an applicant perceived as being able to pay higher mitigation fees or property taxes.

**FSSI Answers and question to El Dorado County Letter from Lillian MacLeod
Design Review DR00-11 Email to AOA on 10-23-08 - 8 of 9**

In the September 2008 FEIR comments the PMC commenter, who's credentials to even be making these comments have never been shared with the public by El Dorado County, continually discounted all of these safety concerns as stated by one of the foremost Traffic Engineers in California, except in one place, page 2.0-40, third paragraph of the FEIR - here is an exact copy of that section:

However, the project's elevation above the S. Shingle Road roadway at the S. Shingle access driveway may inhibit the view of drivers exiting the project. The elevation of the site upon completion and its relation to the project's S. Shingle Road driveway cannot be determined with existing information, therefore the potential for driver sight obstruction does exist. **This is considered a potentially significant impact.**

Mitigation Measures

~~None Required~~ However, they put in a mitigation measure in which we do not believe is adequate to relieve the dangers of these driveways that do not meet the County Standards or the CalTrans standards as will be shown in the course of this process.

MM 4.12.3 Prior to the issuance of building permits, the applicant will provide to the County a cross-sectional view of the South Shingle Road driveway identifying the roadway/driveway intersection as well as the adjacent slope and provide analysis as to this slope's potential to obstruct the view of a site-exiting driver. Any landscaping, signage or any other objects that could obstruct the sight distance shall be prohibited to the satisfaction of the County.

There is much more in the vein that driveway standards are the responsibility of the County and not part of the EIR process, which we do not believe to be correct. The PMC commentator says that the driveway location is considered a modification of the design standard under the Design and improvement Standards Manual. In other words, they can alter the standards even though to do so creates a very real and dangerous situation. And this is not a CEQA matter?

Where else in all of this process does the public have any opportunity to file documents that seriously question what was admitted by one time by El Dorado County to be a serious and dangerous hazard to the public?

When I read those kinds of statements, I am profoundly saddened; because of all of the obligations of the Board of Supervisors in California there is one more important than all others.

That is the requirement to protect the health, safety and welfare of the people of California to which all Supervisors must take an oath to uphold.

**FSSI Answers and question to El Dorado County Letter from Lillian MacLeod
Design Review DR00-11 Email to AOA on 10-23-08 - 9 of 9**

We believe that our concern over the health, safety and welfare of the thousands of citizens who live in that area, and the millions who travel through the area each year are extremely valid.

These millions of innocent citizens are in very serious jeopardy if this project is approved and we ask you not to misjudge our determination to make right what we see as a serious wrong being forced on the public.

Indeed, we believe the Board lacks the police power and authority to approve a project that may have significant health and safety impacts on the public, particularly where the agency has failed to adequately investigate, evaluate and disclose those potential impacts, and particularly where the agency takes the lame position that it does not have sufficient information at this time to deal with the impacts and the measures that may be available to mitigate those impacts to an acceptable level. If after nearly nine years in process, the County still needs more time, then we are in a serious position in El Dorado County.

It is time once again to turn to CEQA Guideline: 15201. Public Participation

Public participation is an essential part of the CEQA process. **Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal,** consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities. Such procedures should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

In *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural, Assoc.* (1986) 42 Cal. 3d 929, **the court emphasized that the public holds a "privileged position" in the CEQA process "based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision making."** (*emphasis ours*)

It looks as though it is up to the Citizens of El Dorado County to look out after the interests of the safety of the people and the adequate and even-handed, fair enforcement of all applicable LORS.⁴

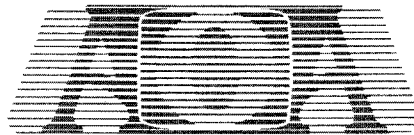
Sincerely yours,

/s/ Dale Smith

Dr. Dale Smith, AOA
Consultant to the FSSI, Inc.

AOA Ltr - MacLeod - Questions from email of 10-23-08 in Resp. to our ltr. 10-23-08.doc

⁴ LORS - Laws, Ordinances, Regulations and Statutes



Alfa Omega Associates

Management Consulting • Public Relations • Publicity
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3410 Sunshine Way • Auburn, CA 95602-9284

Tel: 530-885-8460 • Fax 530-885-8886 • Cell: 530-308-2689

E-mail: drdalesmith@aoaconsult.net

Dr. Dale Smith, H.H.D., General Manager

October 28, 2008

Ms. Lillian MacLeod
Project Planner
El Dorado County
2850 Fairlane Court
Placerville, CA 96767

URGENT - Sent by Email for Immediate Response

Ref: EDC Notice of Public Hearing - BOS Nov. 4, 2008 - 2:00pm - Design Review DR00-11

Dear Ms. MacLeod:

Wait just a minute, not only was the notification of this Public [fearing totally erroneous, but a number of other things in the documentation sent to us yesterday are the same.

For instance:

SECTION E. TERMINOLOGY OF FINDINGS - Page 6 - CEQA Findings - a portion:

When an impact remains significant or potentially significant assuming implementation of the mitigation, the findings will generally find that the impact is "significant and unavoidable" In the process of adopting mitigation, the Board of Supervisors has also made a determination regarding whether the mitigation proposed in the supplemental EIR is "feasible"

Pursuant to the CEQA Guidelines, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

In some cases, modifications were made in the **supplemental DEIR**, and to proposed mitigations in the **supplemental DEIR** to update, clarify, streamline, correct, or revise the measure.

In the process of considering the EIR for certification, the Board has recognized that impact avoidance is not possible in some instances. To the extent that significant adverse environmental impacts will not be reduced to a less than significant level with the adopted mitigation, the Board of Supervisors has found that specific economic, social, and other considerations support approval of the Project.

(Emphasis ours)

AOA/FSSI has never seen such a **supplemental DEIR**. Yet a huge weight of legal importance is put on this document by El Dorado County, which as far as we know, does not even exist. We certainly have not seen this document and it must be provided post haste.

**Protest from AOA/FSSJ - Notice of Public Hearing - Board of Supervisors
Nov. 4,2008 - 2:00pm - Design Review DROO-11 - A Supplemental DEIR - 2 of 2**

Will you please, as soon as you receive this, tell us by email, fax or telephone where this document is and why it was not given to Alfa Omega Associates as soon as it was produced”

To hold back such a document is clearly not acceptable, especially when the County seems to build such a strong case on - The Driveway Issue - which speaks directly to the single most egregious element of this project. If this document exists it must be delivered by carrier to arrive by 4:00 p.m. today, 10-28-08 at 3410 Sunshine Way, Auburn, Ca 95602.

As we pointed out in our previous letter, last Friday, there are many areas where El Dorado County has not been forthcoming, has not presented materials in a timely and fair manner and has given erroneous and misleading information.

We respectfully ask for the full disclosure about this **supplemental DEIR**, sending to us the **full and complete supplemental DEIR Document** by the most expeditious means possible.

To be sure this kind of prejudicial activity is extremely serious and can not be tolerated. As we stated in our letter of last Friday:

“For over two years we have heard absolutely nothing about this project, then suddenly all this flurry of activity. We find this to be totally unacceptable for many reasons.

This has put a very real crimp on our abilities to get the FSSI, Inc .functional again to raise funds to carry out this opposition to a flawed project.

This is affecting our fund raising efforts at a time when it is already difficult to get donations. More importantly, we have had an arduous time in determining just what this FEIR is all about in terms of how this project was treated by Pacific Municipal Consultants (PMQ.)”

Now we learn that there has been a supplemental DEIR prepared, but such a document has never been revealed to the AOA/FSSI

Please respond by 12:00 pm today, 10-28-08, time is running out for us.

Again, we repeat our request from last Friday. In view of this evidence, we ask you to remand this whole project back to the EDC Planning Department for fulfillment of our several requests and then bring it forward at a reasonable date and time for the next hearing, preferably in the first quarter of 2009.

Respectfully submitted,

/s/ Dale Smith

Dale Smith, H.H.D., Consultant, Alfa Omega Associates

Cc. AOA Government List - AOA Media List

GABRIELLI LAW OFFICE

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Davis, CA 95616

Telephone: (530) 753-0869

Facsimile: (530) 753-6964

E-Mail: gabriellilaw@sbcglobal.net

BY EMAIL at lmacleod@co.el-dorado.ca.us

October 29, 2008

County of El Dorado
Development Services Department
Planning Services
2850 Fairlane Court
Placerville, CA 95667

Attention: Lawrence W. Appel, Deputy Director
Lillian MacLeod, Senior Planner

Re: "Design Review DR00-0011"

Gentlepersons:

"For the record," the Notice of Public Hearing dated 10-20-08, and received by myself and others on 10-21-08, which identifies the action to be taken on the captioned project by the Board of Supervisors on 11-04-08 as "a public hearing ... to reconsider, following an appeal, **Design Review DR00-001** submitted by ConocoPhillips (Agent: Griffin Williamson) [emphasis in original]" is inaccurate, incomplete, inadequate and otherwise fatally defective because, among other things, it fails to give notice that the action proposed apparently includes the certification of an EIR and the final approval of the project in question (whereupon the County will presumably file a CEQA Notice of Determination). In addition to CEQA and the Planning & Zoning Law, these defects include, without limitation, violations of procedural due process and other constitutional infringements, the nature and scope of which will be duly asserted in legal proceedings to follow.

Therefore, I have advised my clients to attend the proceedings on 11-04-08, if they wish, but doing so shall not constitute a waiver or relinquishment of any type of their right to raise these violations in subsequent legal proceedings.

Very truly yours,

JOHN C. GABRIELLI

JCG:dlg

cc: FSSI; AOA; SE&M

09-1017.M.27



**Statement of Daniel T. Smith Jr., P.E. to the El Dorado
County Board of Supervisors in Regards to Public Hearing for Design
Review DR00-0011, November 4, 2008**

Members of the Board:

My name is Dan Smith. I am a registered Civil and Traffic Engineer in California. I am retained by the friends of Shingle Springs. I've submitted a detailed formal statement on the project FEIR for the record. I will highlight here just the critical issues.

The project involves a driveway to Mother Lode Drive that is less than 50 feet downstream of the intersection with South Shingle and the eastbound freeway off-ramp. Depending on how you interpret the relationship of the street nomenclature in the new General Plan to that in the County Standards, the driveway would need to be located at least 150 feet and more likely 250 feet from the intersection to conform. Caltrans standards in the *Highway Design Manual* require that even a right-in/right-out driveway be located at least 200 feet from the intersection. Thus, the project involves considerable compromise to the standards of both agencies. These standards that would be compromised are based on scientific research of traffic operations and safety considerations and are representative of accepted operations and safety based standards in the industry.

County staff have discretion to waive the County standard. But that discretion must be exercised reasonably. If the project were a low traffic intensity use, a waiver for the driveway might be reasonable because the traffic conflicts that compromise safety would be infrequent. However, this project, a gas station and mini-mart is as high a traffic intensity use as could be imagined for the site, a circumstance that creates a high potential for traffic safety conflicts. The proposed use is the traffic equivalent of building a 15 to 25-story office building on the footprint of the mini-mart plus fueling canopy, depending on whether daily or peak hour traffic is considered. Nobody reasonable would suggest approving a 15 to 25 story office tower on this site or waiving a driveway standard to do so. But, from a traffic perspective, this is exactly what the County is being asked to do.

The FEIR says waiving County driveway standards on Mother Lode is necessary because enforcing the driveway standards would completely deny access to the site. This is nonsense. The project also proposes a driveway to South Shingle.

Statement of Daniel T. Smith Jr., P.E. to
El Dorado County Board of Supervisors
November 4, 2008

Waiving standards for that driveway is less consequential and more reasonable because that driveway is upstream of the critical intersection. If development on the site can't survive without access from both streets, then the wrong kind of development is being proposed for the size and constraints of the site. A reasonable use for the site might be, for example, a one or two story office building accessed solely via a driveway from South Shingle.

Now consider Caltrans standards (a copy of the relevant Highway Design Manual section is attached). They require a minimum of 200 feet from the intersection to the Mother Lode Driveway. The County is doing a Caltrans Project Study Report for improvement of the interchange in the next few months. That PSR will have to identify this project's Mother Lode driveway, if approved here, as a Design Exception. The FEIR says, if Caltrans doesn't approve the Design Exception, *Caltrans* will have to pay to reacquire the access rights. That is wrong. The interchange improvement is a County-sponsored project. It is the County that will have to pay. And Caltrans is unlikely to grant design exception since it realizes the County has knowingly created need for that exception just months before filing the PSR. So the County would be shooting itself in the foot by granting an exception to its design standards that it is not obligated to grant and that it reasonably should not grant.

Finally, consider the mitigation the FEIR proposes to overcome the operational and safety defects the Mother Lode driveway would cause. It proposes construction of a deceleration/right turning lane between the intersection and the driveway. But that lane itself won't conform to Highway Design Manual standards. The manual indicates that transitions to turning lanes should be accomplished in a distance of 120 feet. But there is less than 50 feet from where traffic can begin transitioning to where the driveway begins. Ergo, vehicles won't have fully transitioned into the right turn lane before beginning their turn into the driveway. Hence, the proposed mitigation won't solve the operational/safety problem it purports to mitigate. Because there will be a large speed differential between vehicles coming off the freeway off ramp and going straight on Mother Lode when the light at the intersection is green and those trying to turn into the gas station/mini-mart, the project will cause an increased potential for high-speed collisions that cause significant injuries and property damage, not just minor rear-enders.

In sum, we trust you will realize this is the wrong project for this site and will deny the application and reject certification of the FEIR.

found from the panels on the right of the chart. The weaving chart should not be extrapolated.

Pages 234-238 of the 1965 Highway Capacity Manual (HCM) provide a method for determining the adequacy of weaving sections near single lane ramps. It is often referred to as the LOS D method. This method is also documented in Traffic Bulletin 4 which is available from the District Division of Traffic Operations. The LOS D method can be used to project volumes along a weaving section. These volumes can be compared to the capacities along the same weaving section.

Volumes in passenger car equivalents per hour (PCEPH) should be adjusted for freeway grade and truck volumes. Table 504.7C and Figures 504.7D and E are reprinted from the 1965 HCM and provide information regarding vehicle distribution by lane.

The results obtained from Figure 504.7A (the Leisch Method) for single-lane ramps with an auxiliary lane and weaving rates exceeding 2500 PCEPH should be checked using the LOS D method.

Weaving capacity analyses other than those described above should not be used on California highways. Other methods, such as the one contained in the 1994 HCM, may not always produce accurate results.

Weaving sections in urban areas should be designed for LOS C or D. Weaving sections in rural areas should be designed for LOS B or C. Design rates for lane balanced weaving sections where at least one ramp or connector will be two lanes should not result in a LOS lower than the middle of LOS D using Figure 504.7A. In determining acceptable hourly operating volumes, peak hour factors should be used.

On main freeway lanes the weaving length measured as shown in Figure 504.2A should not be less than 1,600 feet except where excessive cost or severe environmental constraints would require consideration of a shorter length. One thousand feet of length should be added for each additional lane to be crossed by weaving vehicles. The volumes used shall be volumes unconstrained by metering regardless of whether metering will be used. It should be noted that a weaving analysis

must be considered over an entire freeway segment as weaving can be affected by other nearby ramps.

The District Traffic Operations Branch should be consulted for difficult weaving analysis problems.

504.8 Access Control

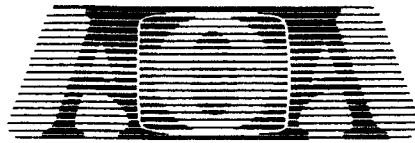
Access rights shall be acquired along interchange ramps to their junction with the nearest public road. At such junctions, for new construction, access control should extend 100 feet beyond the end of the curb return or ramp radius in urban areas and 300 feet in rural areas, or as far as necessary to ensure that entry onto the facility does not impair operational characteristics. Access control shall extend at least 50 feet beyond the end of the curb return, ramp radius, or taper.

Typical examples of access control at interchanges are shown in Figure 504.8. These illustrations do not presume to cover all situations or to indicate the most desirable designs for all cases. When there is state-owned access control on both sides of a local road, a maintenance agreement may be needed.

For new construction or major reconstruction, access rights should be acquired on the opposite side of the local road from ramp terminals to preclude the construction of future driveways or local roads within the ramp intersection. This access control would limit the volume of traffic and the number of phases at the intersection of the ramp and local facility, thereby optimizing capacity and operation of the ramp. Through a combination of access control and the use of raised median islands along the local facility, intersections should be located at least 400 feet from the ramp intersection. Right in - right out access may be permitted beyond 200 feet from the ramp intersection. The length of access control on both sides of the local facility should match.

In Case 2 consider private ownership within the loop only if access to the property is an adequate distance from the ramp junction to preserve operational integrity.

In Case 3 if the crossroads is near the ramp junction at the local road, full access control should be acquired on the local road from the junction to the intersection with the crossroad.



Alfa Omega Associates

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Dr. Dale Smith, H.H.D., General Manager

BOARD OF SUPERVISORS
EL DORADO COUNTY

2008 NOV -4 PM 12: 24

11/4/2008 6:23 AM

TO: The Board of Supervisors, El Dorado County, At the hearing on Project DR00 11 A very important letter from FSSI, Inc., Expert Witness, Daniel T. Smith, delivered to the BOS offices at the earliest possible time this date.

Mr. Dan T. Smith wrote: "The FEIR now labels my above-referenced letters of comment on the DEIR as Letters 1 and 3. In general, the FEIR responses to the substantive issues raised in those comment letters are factually incorrect and/or evasive."

This statement in the second paragraph of the above captioned letter sets the tone for these very important expert witness comments. The full letter is attached.

AOA/FSSI has stressed several times as does Mr. Smith in this letter that El Dorado County has rushed this project to the BOS Hearing without giving proper notice or allowing sufficient time for the public to respond. It therefore, cannot complain about our valiant efforts to get this material into the hands of the Board at the very last moment.

Here are very important highlights from this letter, some of which will be entered into the record at the hearing, the balance and the full Dan Smith letter introduced into the record by this letter transmission filed today.

Dan Smith Letter Page 2: "This response is fundamentally wrong on two counts. The response implies the County must grant waivers to the driveway separation standard regardless of what the traffic characteristics of the proposed land use are. This interpretation of waiver to a traffic safety related standard ignores the County's obligation to act reasonably to protect public safety in granting such a waiver."

Dan Smith Letter Page 2: "The subject interchange improvement project is an El Dorado County sponsored initiative. Caltrans involvement is solely one of oversight and design approval. If Caltrans does not approve a design exception to its standards in the matter of the project's proposed Mother Lode driveway, *it is El Dorado County that will have to pay to reacquire the access rights.*"

Dan Smith Letter Page 3: "... the County plans to initiate the formal Project Study Report and Environmental Analysis for the freeway interchange improvement project wherein it will have to recon with the non-conformity of this project's proposed Mother Lode driveway to Caltrans standards, the County will not be acting reasonably and responsibly. Instead, it will be shooting itself in the foot.

Dan Smith Letter Page 3: “The response on this matter should have been made through a recirculated DEIR that would have allowed the public a full 45 day review period.”

Dan Smith Letter Page 4: “. . . with the proposed deceleration/right turn lane having to be less than 50 feet long, many cars will not have fully transitioned into the deceleration lane before they reach the driveway. Hence, the proposed mitigation measure will not be effective in preventing the project driveway’s impact of causing high-speed-differential collisions.”

Dan Smith Letter Page 4: “The FEIR response is that enforcement or waiver of standards is some kind of abstract independent action of the County that is not a subject for the process of the environmental review of the project. This response is pure nonsense.”

Dan Smith Letter Page 5: “If queue storage on lanes in the project area that do not directly serve the project obstruct access and egress to lanes that do serve the project, the lanes that do serve the project would be impaired and the addition of project traffic would compound the problem.”

Dan Smith Letter Page 5: “However, it remains undeniable that if the queues projected in the DEIR for this location do materialize, there will be operational problems.”

Dan Smith Letter Page 6: “**Comment and Response 3-12** - The response does not deny that this blocking problem would exist. Instead, it claims that motorists would react to such conditions by exiting onto Mother Lode and make a U-turn at Sunset Lane in order to return to the freeway. There are two significant problems with the response.”

Dan Smith Letter Page 6: “While locally-based customers would be aware of this, the freeway-oriented location of the project will result in many customers being unfamiliar with traffic conditions and the layout of the local street network. Hence, the response does not adequately address the problem.”

Dan Smith Letter Page 7: “. . . because maneuvering impairments are so prevalent, traffic will stack up into the project driveways where it would exacerbate the operational and safety problems that are already a concern because the driveways are at seriously substandard distances from the nearest intersection.”

Dan Smith Letter Page 7: “. . . the FEIR response cites FEIR exhibits **Figures 2.0-1 2.0-2 and 2.0-3**. However, these critical pieces of evidence are nowhere to be seen in the FEIR as circulated. Because of the missing Figures 2.0-1 2.0-2 and 2.0-3, the FEIR is deficient as an information document and cannot be certified.”

And there are many more like this and of course all the details and supporting evidence are cited by the FSSI, Inc. Expert Witness Dan T. Smith, Smith & Smith Engineering & Management in the following separate document.

10/30/08

08 NOV 17 PM 4:30

RECEIVED
PLANNING DEPARTMENT

Received from
Wanda Folkerson
(hand delivered)

I'm so upset upon hearing a Gas Station ~~that~~ he wants to ~~go~~ Build on the corner of Matherlode & S. Shingle across from where they want to build & put gas in ~~the~~ earth, is ~~located~~ ~~at~~; One part of this area just about every body along Durand Rd & S. Shingle has one well for their ~~own~~ water input to their homes. If you go down Durand Rd about ~~1/2~~ block you will see the ~~road~~ ^{street} ~~and~~ Henry Rd. (Where the Barons Barons are! Come up Henry Rd the first property of the Barons is the start of my land. The land on the left (my property) is where the under ground lake is - This is where all of us get our wonderful fresh water with no chemicals in it. If you want to taste my water come by, knock on my door, or better still call me first to see if I'm home. I'm 80 ~~years~~ ~~years~~ old, & a ~~single~~ widow. My best husband & I with our son Jeff moved here in 1975

09-1017.M.33

the well was still working great
even after the home had a big
wonderful history where other families
lived here. After death we decided
we'd & sale, we ~~had~~ purchased it.
Well was still working wonderfully.
The had water tested & it was
pure water & still is. It furnishes
water to a lot of people down here.
If you allow this gas station to be
built it will ~~contaminate~~ contaminate
the underground lake & poison all
of us. The property want line. Also
there is a big pond on down Quercus
~~is~~ going West where it had fish
in it & people fish during late
summer.

Also go out S. Shingle you will
find a big Natural Lake there.
It will take longer for the gas to
get to that ~~lake~~ lake underground
but it will get ~~there~~ there.

We already have 2 different gas
stations on Mathelode. It doesn't
affect us on Quercus Rd because the
land goes Eastward down hill. ~~They~~
There is already a ~~gas~~ Gas Station &
Gas Station there. Why allow

this to happen on S. Shingle & Metherdale & Quack Rd.

Please don't oil this - we won't have any more water. any of us can use along with others down to S. Shingle & Quack Rd.

The don't need anyone for Station there is also 3 on C. Park before you get to the Greenway on ramp. Altogether 1 at Metherdale 3 heading West on Russell Rd to Cameron Park Rd. 1 of them is a 7/6 gas station station.

Please, Please, Please don't allow the gas station to go in there is already a Mini Mart - Post Office - business at S. Shingle just a ~~short~~ 1/2 block from land they want to put this Gas Station.

I'm praying along with others that this won't happen

This is just a start - there is more. Putting traffic in a bigger ~~more~~ mess than what it is already - Putting children in more harm coming home from school walking or riding bikes. Putting local business out of

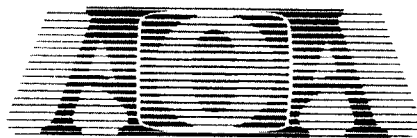
Save water: If you want to know more about the El Dorado Irrigation District's programs to help you save water visit www.eid.org and click on Water Efficiency, and you can sign up for a complimentary water survey of your home's inside and outside water system.

Save Water

Mother Teresa Maternity Home, Placerville, is thankful to St. Joseph's Church for their generous donation.

08 NOV 24 PM 4: 14
RECEIVED
PLANNING DEPARTMENT

*Received from Wanda Folkerson
(hand delivered)*



Alfa Omega Associates

Management Consulting • Public Relations • Publicity
Specializing in Land-Use, Environmental & Historic Preservation Issues

AOA Founded in 1968

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Dr. Dale Smith, H.H.D., General Manager

November 6, 2008 -- Updated 12-02-08

Ms. Lillian MacLeod
Project Planner
El Dorado County
2850 Fairlane Court
Placerville, CA 96767

By Email and USPS - CC: EDC BOS & Plan. Commissioners.

Ref: EDC Notice of Public Hearing - BOS Nov. 4, 2008 - 2:00pm - Design Review DR00-11 and abrupt and highly questionable tactic by the EDC Board of Supervisors to send this matter back to the Planning Commission.

Dear Ms. MacLeod,

The Friends of Shingle Springs Interchange, Inc., which I have been representing now for more than eight (8) years sends this letter as an official protest against this action noted above, which is wrong for a good many reasons. I start at the top by presenting the Notice of Public Hearing, Dated 10-20-08, paragraph 1, the pertinent paragraph:

The El Dorado County Board of Supervisors will hold a public hearing in the Supervisors Meeting Room, 330 Fair Lane, Placerville, CA 95647 on November 4, 2003. at 2:00 p.m., to reconsider, following an appeal. Design Review DROO-001 I submitted by ConocoPhillips Agent: Griffin Williamson) for a proposed 2.976 square foot Circle K mini-mart; and 76 gas station, with 6 fuel stations, for a total of 12 fueling positions, under a 4.000 square foot canopy. The property, identified by Assessors Parcel Number 090-430-42, consisting of 0.64 acres, is located on the south side of U.S. Highway 50 at the southeast corner of the intersection of Mother Lode Drive and South Shingle Road. in the Shingle Springs area, Supervisorial District II. (Environmental Impact Report prepared)

Secondly I present the paragraph describing the action to take place at the above named hearing as taken from the Board of Supervisors Agenda for that date, page 10:

Item 22. 08-1612 - Hearing to reconsider Design Review DR00-0011, following an appeal, on property consisting of 0.64 acres (APN 090-430-42) for a proposed 2,976 square foot Circle K mini-mart; and 76 gas station, with 6 fuel stations, for a total of 12 fueling positions, under a 4,000 square foot canopy, in the Shingle Springs area. Applicant: ConocoPhillips. District II (Environmental Impact Report prepared)

EDC Notice of Public Hearing - BOS Nov. 4, 2008 - 2:00pm - Design Review DR00-11
and abrupt and highly questionable tactic by the EDC Board of Supervisors
to send this back to the Planning Commission. FSSI Protest Letter - Pg. 2 of 8

Next we highlight the real intention of the Hearing as contained in the EDC Staff Report.

11-4-2008 EDC BOS Briefing Book, pages 115 and 116 - Paragraph 2 of page 115

RECOMMENDED ACTION: 1. Certify the Environmental Impact Report based on the findings in Attachment 3; 2. Adopt the Mitigation Monitoring and Reporting Program; and 3. Approve Design Review DROO-001 1 as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the modification of the project to include mitigation measures and conditions itemized in Attachment 1.

BOS Book Page 115 does not appear in the Staff Report that is listed as a PDF File in the Attached Items on the DR00 11 Website Agenda, page 11 as Item Nr. 1. Also it did not appear like this in the material sent to AOA by Lillian MacLeod in her Email of 10-24-08, Staff Report.

These cited documents are **Exhibits (1) & (2)** of our letter and will prove conclusively that what the El Dorado County Planning Services promulgated on 10-20-2008 for the Notice of Public Hearing is very different than what was presented to the Board in their Briefing Book for the 11-4-08 hearing and the disparity is very obvious.

This becomes even more mysterious and legally questionable when we find the tampering with the official record distributed to the public with the Hearing Notice what was presented to the Board. Indeed, there is a significant difference in the Planning Services call for Action from the Board.

Here in brief is what Planning Services posted in the Hearing Notice:

The El Dorado County Board of Supervisors will hold a public hearing in the Supervisors Meeting Room, 330 Fair Lane, Placerville, CA 95647 on November 4, 2003. at 2:00 p.m., to reconsider, following an appeal. Design Review DROO-001 1 submitted by ConocoPhillips, Agent: Griffin Williamson. (*First lines of Notice*)

And here is what you gave to the Board on page 115 of the BOS Packet for them to take action:

1. Certify the Environmental Impact Report
2. Adopt the Mitigation Monitoring and Reporting Program;
3. Approve Design Review DROO-001 1

As I wrote above, we have continually contested the Notice Action. For example in my letter to you, Ms. MacLeod of 10-23-08, page 1, para. 5 I stated:

“Under these circumstances, it is virtually impossible to understand or explain to existing and potential FSSI members what is taking place and what will take place at the upcoming hearing. Based on my own personal knowledge in dealing with such matters, this greatly precludes or interferes with our ability to recruit FSSI members and donors in order to pose a legal challenge to your actions and those of the applicant. Therefore, in addition to the right of public participation

EDC Notice of Public Hearing - BOS Nov. 4, 2008 - 2:00pm - Design Review DR00-11
and abrupt and highly questionable tactic by the EDC Board of Supervisors
to send this back to the Planning Commission. FSSI Protest Letter - Pg. 3 of 8

under CEQA and the Planning & Zoning Law, vital first amendment constitutional rights are being blatantly thwarted here.”

On October 29, 2008, the FSSI, Inc. Attorney John C. Gabrielli sent the following email:

Lawrence W. Appel, Deputy Director
Lillian MacLeod, Senior Planner

"For the record," the Notice of Public Hearing dated 10-20-08, and received by myself and others on 10-21-08, which identifies the action to be taken on the captioned project by the Board of Supervisors on 11-04-08 as "a public hearing ... to reconsider, following an appeal, **Design Review DR00-001** submitted by ConocoPhillips (Agent: Griffin Williamson) [emphasis in original]" is inaccurate, incomplete, inadequate and otherwise fatally defective because, among other things, it fails to give notice that the action proposed apparently includes the certification of an EIR and the final approval of the project in question (whereupon the County will presumably file a CEQA Notice of Determination). In addition to CEQA and the Planning & Zoning Law, these defects include, without limitation, violations of procedural due process and other constitutional infringements, the nature and scope of which will be duly asserted in legal proceedings to follow.

Therefore, I have advised my clients to attend the proceedings on 11-04-08, if they wish, but doing so shall not constitute a waiver or relinquishment of any type of their right to raise these violations in subsequent legal proceedings.

Very truly yours,

JOHN C. GABRIELLI

I have indicated in my discussions with your staff & our legal counsel, and John Gabrielli has communicated, in several letters and verbally that because of the improper notice these proceedings are null and void "ab Initio". The Board lacks the power or the authority to certify the EIR for this project, or to approve the project, or to file a Notice of Determination after the project is approved.

That's our legal position, and for that reason we decided it was not necessary to have any of our members or our legal counsel or our traffic and circulation expert appear at this hearing. I did appear, but I chose not to speak because of vital concern growing out of a long history of the El Dorado County Board of Supervisors doing some strange and questionable things.

It did not seem worth the entrapment risk to make any kind of a statement simply because all of the evidence we have already put into the Administrative Record is overwhelming in our position that the El Dorado Board of Supervisors does not have the legal power or authority to approve the waiver of safety standards and to approve the project as proposed under the present facts, conditions and circumstances. Indeed, we have been advised and believe that under these

EDC Notice of Public Hearing - BOS Nov. 4, 2008 - 2:00pm - Design Review DR00-11
and abrupt and highly questionable tactic by the EDC Board of Supervisors
to send this back to the Planning Commission. FSSI Protest Letter - Pg. 4 of 8

circumstances, a public agency such as El Dorado County Board of Supervisors lacks the **police power** to take such action.

We believe this constitutes another constitutional violation that could well result in the courts setting aside the action you propose to take on this project.

Similarly, as stated and discussed in a fairly recent court of appeal case called *City of Hawaiian Gardens v. City of Long Beach* (1998) 61 Cal.App.4th 1100, the pertinent contents of which are hereby incorporated by reference as though fully set forth here, state law preempts the field of traffic control (*see* Veh. Code §§ 21, 21101), and requires that the local ordinances and rules adopted by local agencies "shall be consistent with the responsibility of local government to provide for the health and safety of its citizens." (Veh. Code § 21101, subd. (f).) As explained in the *City of Hawaiian Gardens* case, "the proposed closure was inconsistent with [Civ. Code] section 21101(f) because closure of the roadway is likely to have a significant negative impact on residents ..." (61 Cal.App.4th 1100, 1103.)

Likewise, the waiver of safety-based commercial driveway standards for the present project (without which the project may not be constructed and operated as presently planned and designed) is inconsistent with and violates state law including that cited. Of course, this line of legal authority is related to the points we previously made about potential violations of law and statutory/constitutional violations.

And that brings us to the very startling and highly questionable action by the Board of Supervisors to send this project back to the Planning Department. Here are the Minutes of this Action as taken from the EDC Website on 11.06.08:

2:00 P.M. - TIME ALLOCATION

22. 08-1612 Hearing to reconsider Design Review DR00-0011, following an appeal, on property consisting of 0.64 acres (APN 090-430-42) for a proposed 2,976 square foot Circle K mini-mart; and 76 gas station, with 6 fuel stations, for a total of 12 fueling positions, under a 4,000 square foot canopy, in the Shingle Springs area. Applicant: ConocoPhillips. District II (Environmental Impact Report prepared)

A motion was made by Supervisor Baumann, seconded by Supervisor Briggs, to refer this matter to the Planning Commission. Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

Once again we point out the disparity between what is on the website as the reason for this Hearing and what was on Page 115 of the Board of Supervisors, important information to put into the administrative record.

We also call your attention to the fact that there was much more to that Motion than is recorded on the official website version and we want to know why this, still another serious discrepancy, is put out as the "final word" on the El Dorado County website.

There was a provision that this project would be sent back to the Planning Commission for a full hearing and that it could not come back to the Board of Supervisors "unless there was another

EDC Notice of Public Hearing - BOS Nov. 4, 2008 - 2:00pm - Design Review DR00-11
and abrupt and highly questionable tactic by the EDC Board of Supervisors
to send this back to the Planning Commission. FSSI Protest Letter - Pg. 5 of 8

appeal filed.” It did not say by whom, nor was it clear why the BOS insisted vehemently on this condition.

I find it disingenuous at best, perhaps even a prohibited action. Because I am not an attorney, I did not protest this at the hearing time, but I found it to be extremely questionable. Just what was the motivation of El Dorado County to take this action to send back and require an appeal?

My appearance at this hearing even though I did not speak, does not constitute a waiver or relinquishment of any type of the rights of the Friends of Shingle Springs Interchange, Inc., and other members of the public to raise these violations in any and all subsequent legal proceedings on a continuing basis as we are doing with this letter.

Had the hearing gone on, it would have taken place on extremely questionable grounds, and in the course of my testimony you would have heard me lay out the exact details of just why that was true with the proviso that the Board would proceed at its own peril, should it choose to continue.

That “sending it back to the Planning Commission was very cleverly orchestrated by three different parties.” (1) El Dorado Planning Services, (2) Supervisor Bauman of the Second District where this project is located and the (3) EDC Legal Counsel offices.

I also found it very strange to learn that a telephone call was made to the ConocoPhillips offices at around 11:00a.m. on the 11-4-08 that this move would be made in the hearing that afternoon. No such call was made by any EDC official to Attorney Gabrielli or myself, and both of our office and cell phone numbers are in the applicable EDC offices.

If the plan was to provide a shock to our side, it was only mildly successful. One does not worry much about such trivial maneuvers that have mostly the result of wasting more taxpayer money in a rather worthless action. Of course the bit in there about “. . . **another appeal filed**” is very much a solid tip off as to what that action was all about.

However, El Dorado County would be well served if it would stop trying to make a project fit onto a piece of property where it cannot be legally placed.

I wonder what the action might have been taken at that Election Day hearing if the County Counsel, the Board of Supervisors and others in key positions had obtained and read the latest letter from Daniel T. Smith, Smith Engineering & Management earlier in the day. I assure you that the County Counsel was shocked when he found it at his seat at the hearing desk and quickly scanned the two page summary before the much delayed hearing started at 2:22pm.

The records will show that El Dorado County has had this project on the books for more than eight years. Do you agree that this is a bit too long? For over two years we have heard absolutely nothing about this project, then suddenly this flurry of EDC activity.

We found this to be totally unacceptable for many reasons. The main one being that it has been extremely difficult to get accurate, timely information from Planning Services, a fact pointed out by Dan T. Smith in the document we are now discussing.

EDC Notice of Public Hearing - BOS Nov. 4, 2008 - 2:00pm - Design Review DR00-11
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The new, more comprehensive Dan Smith Report came to my office at at 4:55pm November 3, 2008 while I was preparing my presentation, for the 2:00pm hearing the next day. This was an email with a nine page, detailed letter.

I worked up two page highlight paragraphs as a cover document for the Dan T. Smith letter, specifically as a help to the BOS. I filed that letter at 12:22pm, 11-04-08, the earliest possible time I could arrive at the BOS offices after my cancer treatment at UC Davis Sacramento and after making the 20 copies, I turned in the documents at the BOS Offices and have a date and time stamp of -- 2008 - NOV - 4 - PM12:22.

Those two documents were a single package and should have been inserted into the Project Administrative Record as it was handed out to each Supervisor, County Counsel, Planning Services and others. In case it was not put into the Administrative Record, it is attached as **Exhibits (3) and (4)** to this letter and filed for that purpose.

When I questioned Ms. MacLeod about the rush to get this on the agenda, she responded:

“The Board is holding a hearing on November 4 and as the applicant wishes this to be concluded, and we are mandated to streamline permit review, I placed it on the soonest hearing date possible.”

My observation of the actions of the Conoco/Phillips Attorney Larry C. Larson who jumped up to get to the podium to endorse this BOS sponsored provision to send the project back to the Planning Commission would lead me to believe that there could have been some agreement between the Proponent and the County, perhaps in that 11:00am call. He was also quick to ask that the Board not take any further testimony as had been suggested by the lady County Counsel.

In view of the MacLeod statement above, we find it very strange that El Dorado County would take the delaying action of sending this project back to the Planning Commission. Had I been permitted to speak in a normal situation, not this contrived one; I would have told the Board near the end of my testimony:

“There is only one other TOPIC I will bring forward as we want final action taken on this project as soon as possible. If you did not gather that, from my lone appearance before you today, please understand it now.”

The Friends of Shingle Springs Interchange, Inc., want to make this move along as quickly as possible. After all, unless the proponent is able to buy, beg, steal or manufacture a land stretcher to make that plot big enough so it can have proper distances for the driveways, they are in a very difficult position. The FSSI, Inc. has never held up this project in an irregular manner.

How many times must the County beat a dead horse in the hope it might come alive? Dan Smith summed it up very well in two of the brief pieces I put in the two page summary:

Dan Smith Letter Page 2 - “This response is fundamentally wrong on two counts. The response implies the County must grant waivers to the driveway separation standard

EDC Notice of Public Hearing - BOS Nov. 4, 2008 - 2:00pm - Design Review DR00-11
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regardless of what the traffic characteristics of the proposed land use are. This interpretation of waiver to a traffic safety related standard ignores the County's obligation to act reasonably to protect public safety in granting such a waiver."

Dan Smith Letter Page 3: ". . . the County plans to initiate the formal Project Study Report and Environmental Analysis for the freeway interchange improvement project wherein it will have to recon with the non-conformity of this project's proposed Mother Lode driveway to Caltrans standards, the County will not be acting reasonably and responsibly. Instead, it will be shooting itself in the foot."

The tragedy is that the County will not be shooting itself in the foot, but the foot of the taxpayers is where these wild shots will go. As we stated earlier, we believe this amounts to another constitutional violation that will likely result in the courts setting aside the action you propose to take on this project. Please see the Dan T. Smith statement in his letter of 10-30-08:

"However, this project, a gas station and mini-mart is as high a traffic intensity use as could be imagined for the site, a proposed use [that] is the equivalent of building a 15 to 25-story office building on the footprint of the mini-mart plus fueling canopy, depending on whether daily or peak hour traffic is considered."

I would have told the Supervisors that I wanted to make sure you have **that image** in mind when you vote on whether to approve this project and certify its final EIR.

The image ••• is a 15 to 25-story office tower on a project site in this particular location.

Now, in his professional judgment, as a traffic and circulation expert Dan is of the opinion that approving a waiver of safety standards and a project like this one being proposed by ConocoPhillips is **unreasonable.**

Which is what the courts call . . . **an abuse of discretion.**

But as lay persons in this area, myself, members of *FSSI*, and other members of the public are of the opinion that it's not just merely a matter of unreasonableness •••

••• It's a matter of **insanity!!!**

It's nothing short of insanity to increase the risk of serious harm and even death of motorists and pedestrians.

Including those most vulnerable in the community such as children and senior citizens.

Just to raise money for infrastructure improvements???

Based on what we've been told by legal counsel, with all due respect, we believe neither staff nor this Board have legal power or authority to approve the waiver of safety standards. The question is why the action to send in back to the Planning Commission.

EDC Notice of Public Hearing - BOS Nov. 4, 2008 - 2:00pm - Design Review DR00-11
and abrupt and highly questionable tactic by the EDC Board of Supervisors
to send this back to the Planning Commission. FSSI Protest Letter - Pg. 8 of 8

We remind you that the County record on timely notifications has been questionable. Please provide timely notification FIRST to the FSSI, Inc., so we have adequate time to prepare.

In reading the Minutes of the Planning Commission for the past several meetings, I have seen a number of items about General Plan Amendments, Zoning Amendments and other actions that seem to say that there is a huge push for development in El Dorado County. It is most difficult to reconcile all of that with the actions cited above on the Design Review DR00-11. We need some answers to our questions.

As an additional matter, we have requested, and if the prior request was not received or acted upon, please consider this a new request under the California Public Records Act, copies of any and all communications between the project applicant and the County regarding this project since the Draft EIR was circulated.

D

V. Dale Smith, Alfa Omega Associates
For *Friends of Shingle Springs Interchange, Inc.*

Cc: See list at top of letter
FSSI Admin. Group
Select media

AOA-FSSI Letter of Protest against BOS Action on D????R00 11 - 11-4-08.doc/AOA96/FSSI/RD8

GABRIELLI LAW OFFICE

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E-Mail: gabriellilaw@sbcglobal.net

BY EMAIL at Imacleod@co.el-dorado.ca.us

December 16, 2008

County of El Dorado
Development Services Department
Planning Services
2850 Fairlane Court
Placerville, CA 95667

Attention: Lawrence W. Appel, Deputy Director
Lillian MacLeod, Senior Planner

Re: "Design Review DR00-0011"
"Design Review reconsideration following an appeal ..."

Gentlepersons:

In further objection to the administrative review process being carried out for the captioned project, we strenuously object to the use of the "appeal" and "reconsideration" process, along with other procedural devices, to avoid timely review of the project. For example, application of the Permit Streamlining Act, Gov. Code § 65920 *et seq.*, has been avoided by attempting to take advantage of the provisions of Gov. Code § 65922(b), which exclude application of the Act to "[a]dministrative appeals."

The use of such procedural devices have allowed the County and the project applicant to improperly delay and confuse processing of the project, thus avoiding strong, effective public input and opposition. As project opponents previously advised, this is part of a course of action in which the County as well as the applicant have participated, and continue to participate. Consequently, we respectfully demand that the present review process be terminated by compelling the applicant to withdraw its present application and, should the applicant wish to proceed with the project, re-submit the matter for processing from the beginning -- or at least from the draft EIR circulation stage -- of the CEQA review process.

Very truly yours,

JOHN C. GABRIELLI

JCG:dlg

cc: FSSI & AOA

09-1017.M.45

DEPARTMENT OF TRANSPORTATION

DISTRICT 3 – Sacramento Area Office
VENTURE OAKS, MS 15
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 274-0635
FAX (916) 274-0648
TTY (530) 741-4501



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Be energy efficient!*

January 5, 2009

02ED0013

03-ED-50 PM 8.564

ConocoPhillips Circle K Mini Mart and 76 Gas Station
Design Review of Final Environmental Impact Report
SCH No. 2002042112

Ms. Lillian MacLeod
County of El Dorado
2850 Fairlane Court
Placerville, CA 95667

Dear Ms. MacLeod,

Thank you for the opportunity to review and comment on the Design Review of the Final Environmental Impact Report for the proposed ConocoPhillips Circle K Mini Mart and 76 Gas Station. This proposed 2,976 square foot project includes a mini mart, gas station with 6 fuel stations, for a total of 12 fueling positions under a 4,000 square foot canopy on 0.64 acres. The project is located on the south side of the US Highway 50 (US 50)/Ponderosa interchange at the southeast corner of the Mother Lode Drive and South Shingle Road intersection in the Shingle Springs area. Our comments are:

- Mandatory standards require that Caltrans access control to the proposed project located opposite the eastbound off-ramp shall extend at least 50 feet beyond the end of the curb return, ramp radius or taper. A right in-right out only access at the very extreme east and south ends of the project at the advisory standard of 100 feet beyond the ramp intersection is acceptable. Ideally, however, access points should be installed as far as possible from the ramp intersection, at a minimum of 200 feet from the ramp. To ensure these recommendations are considered and implemented, please provide any future plans for review.
- The project should be assessed appropriate fees per the El Dorado County 2004 General Plan Traffic Impact Mitigation fee program. This program is collecting funds for improvements to US 50 in El Dorado County, including

"Caltrans improves mobility across California"

Ms. Lillian MacLeod

January 5, 2009

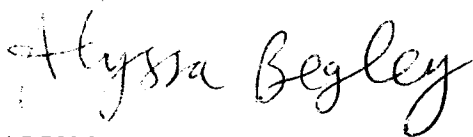
Page 2

future improvements to the US 50/Ponderosa interchange, and the improvements under construction at the US 50/Ponderosa interchange.

- An Encroachment Permit will be required for any work conducted in the State's right of way such as sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes. A cost estimate for the work within the State's right of way will be reviewed to determine whether it triggers the need for a "project funded by others" designation. Maintenance of landscaping or sidewalks built within the State's right of way becomes the responsibility of the local jurisdiction. To secure an application, please contact Encroachment Permits Central Office at (530) 741-4403.

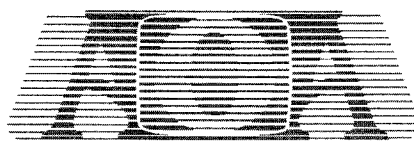
Please provide our office with copies of any further actions regarding this development. If you have any questions, please call La Nae Van Valen at (916) 274-0637.

Sincerely,

A handwritten signature in cursive script that reads "Alyssa Begley".

ALYSSA BEGLEY, Chief
Office of Transportation Planning – South

cc: State Clearinghouse



Alfa Omega Associates

Management Consulting • Public Relations • Publicity
Specializing in Land-Use, Environmental & Historic Preservation Issues

3410 Sunshine Way • Auburn, CA 95602-9284

Tel: 530-885-8460 • Fax 530-885-8886 • Cell: 530-308-2689

E-mail: drdalesmith@aoaconsult.net

Dr. Dale Smith, H.H.D., General Manager

JAN 16 PM 4:50
RECEIVED
PLANNING DEPARTMENT

January 15, 2008

Ms. Lillian MacLeod
Project Planner
El Dorado County
2850 Fairlane Court
Placerville, CA 96767

Sent by Email for Urgent Attention/Action

Dear Ms. MacLeod,

As you know I have been through a serious medical situation with 37 radiation treatments at the UC Davis Cancer Center at the main hospital in Sacramento. From your previous employment experience you certainly know how demanding on the health this is. As a result I have not been able to keep up with the necessary inquiries into the processes on the DR 00 11 or whatever name number it has, these days. However, that time is over and I now have several very urgent and important questions and requests for documents for you.

Normally I would take these in order of how I have been processing the documents that I picked up at the Planning Department recently. However I skip ahead slightly to this one item which is found in the document dated 11/24/2008 from you to Griff@totalprojex.com and MMartin@PMCWorld.com. There is one paragraph that is quite revealing both in terms of the County Plans for how to overcome the serious "safety factors" of this project and what tools will be used.

As discussed by Counsel at the Board hearing on November 4, in requiring the EIR the Board upheld the appeal and overturned the original decision for approval by the Commission. I have asked DOT to review the current conditions/mitigation measures against the newly amended policies, to determine which required off-site improvements have been funded in the CIP or have already been completed to date, to create a revised set of conditions/mitigation measures to take before the Planning Commission after the first of the year. As we will not have a fully seated Commission until at least the second hearing in January, I feel it would be more beneficial to all concerned to hear this project on the next hearing date, February 12, 2009, at the earliest.

Addressing the first item, we are very well aware of all the General Plan changes that have taken pace in 2008 and we doubt very seriously the legality of same, a matter we cover in the next page, but first and foremost we address the last sentence of this memo:

As we will not have a fully seated Commission until at least the second hearing in January, I feel it would be more beneficial to all concerned to hear this project on the next hearing date, February 12, 2009, at the earliest.

List of problems, questions and requests for documents to EDC Planning Department To Lillian MacLeod from Dale Smith, AOA on the DR00 11 project of Conoco/Phillips Last heard on 11-4-08 - From documents obtained last month from EDC Planning - Thursday January 15, 2009 - Pg. 2 of 5

In view of the Christmas/New Years Holidays and my physical condition as outlined above, we respectfully request that this hearing NOT be held on February 12, 2009. It will be impossible for us to fully digest the many pages of documents obtained last month, and the large number of documents that are being requested in this letter, documents that appear to be very germane and important to the processes that the Proponent and El Dorado County may be taking in this very serious matter having to do with the health, safety and welfare of all citizens who live in or may pass through that area in the future.

Returning to the General Plan Changes that were discussed with the proponent and his various agents, it seems quite clear that there are moves afoot to utilize these changes to find away around the problems that have been pointed out by the *Friends of Shingle Springs Interchange, Inc.* in the previous hearings and our many filings. The clues left in your 11/24/2008 email are intriguing to say the least, but we seriously doubt the validity of this position.

First of all, the many changes initiated by and approved by the Board of Supervisors and EDC Staff over the last six months of 2008 are very suspect from a legal standpoint.¹

In view of this legal citation, we ask you to make available for pick up, not only all documents referred to in the 11/24/2008 email, but all other like documents dealing with this subject. We require copies of all documents sent to the EDC Department of Transportation (TOC) and all documents on any General Plan changes that have been made as referred to in this letter.

Since our letter will cover a number of other documents, we will make reference to them, but for your convenience, we will make a complete list at the end of the letter.

Your final paragraph in this letter stated:

"In the meantime while I await DOT's revisions, I will be making the necessary modifications to the staff report and findings that conform to the amendments. I will copy you on the results prior to public notice. If you have any questions, please contact me."

¹ California State law requires that all cities and counties have comprehensive general plans that provide a policy statement and guide for the development and conservation of the community. Placer County has this comprehensive General Plan, and the less comprehensive Auburn/Bowman Community Plan.

In accordance with state law, a jurisdiction can amend its General Plan only four times during the calendar year. These four times do not have fixed dates and may be scheduled as necessary.

The General/Community Plan represents one of the most important policy statements of the jurisdiction represented and should be carefully protected. Amendments should only be made when there are convincing, easy to understand and persuasive reasons for a change. That change must be in the best interests of the community as a whole, not just a particular developer, land owner or other individual seeking such an amendment.

A proposed land use change should be compatible with the surrounding uses and provide a logical progression for the jurisdiction's development. (Taken from the web, when Googled there were 481,000 hits on this subject)

**List of problems, questions and requests for documents to EDC Planning
Department To Lillian MacLeod from Dale Smith, AOA on the DR00 11
project of Conoco/Phillips Last heard on 11-4-08 - From documents obtained
last month from EDC Planning - Thursday January 15, 2009 - Pg. 3 of 5**

Since you are sending “. . . the necessary modifications to the staff report and findings that conform to the amendments.” Would you please be so kind as to make copies of all these documents available to Alfa Omega Associates as soon as possible? Of course you notify us of their availability and costs and we will obtain them quickly.

The 05/15/2008 internal memo from you Lillian has lines that intrigue me. Would you please make available to us the copies of all the other documents referred to in this memo? These are extremely important issues and our files are not complete on these matters.

Hi Beth:

I've reviewed the documents and have a few comments:

1. Pg 3 Para 4 states the Mother Lode driveway is to be located 120 from the intersection, when in fact both driveways will be approximately 100 from the intersection. This was an issue of concern raised by the appellants and we need to make sure the analysis is based on the right measurement.

2. I'm concerned that a significant impact involving the accident history and the potential for an increase due to the project, which was raised by the appellant, was not reviewed against the project alternatives either. It seems that that should be addressed in the Errata, as well.

3. The analysis discusses rear-end accidents occurring when right turns are made into the site, however, the proposed mitigation only covers line of sight visibility for customers leaving the site. Further, the argument that an increase in driveways contributes to this type of accident scenario, but it may also cause traffic to slow down to the point of decreasing accidents, is a weak argument at best. In other words, we'll allow the existing traffic congestion/situation to be exacerbated by the project in the hopes of reducing impacts.

I'm going to pass this on to DOT for their review as well. I'll let you know as soon as they respond.

The 1/25/2008 email to Ahmad Ghadden on PG&E issues is totally new to me. Please make all of this correspondence available as I could not find it in the files.

Today, Lillian, I have completed the 2008 document scanning and analysis for legal counsel and will be working on the balance of the documentation obtained from you last month tomorrow and Monday and will send along those requests at that time.

Thank you for your kind attention to these important matters.

Sincerely yours,

Dr. Dale Smith

Cc: Counsel
FSSI List

Document list follows on next page:

**List of problems, questions and requests for documents to EDC Planning
Department To Lillian MacLeod from Dale Smith, AOA on the DR00 11
project of Conoco/Phillips Last heard on 11-4-08 - From documents obtained
last month from EDC Planning - Thursday January 15, 2009 - Pg. 4 of 5**

Separate list - Documents to get to AOA

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**EDC MASTER REPORT File Nr. 08-1612 Created 10/15/2008 - Agenda Title:
DS 11-4--08 DR00-0011/ConocoPhillips - Final Action:**

We request a copy of all six Attachments mentioned in that Master Report of 10.15.2008 to be available for pick up at your offices as soon as possible.

We require copies of all documents sent to the EDC Department of Transportation (TOC) and all documents on any General Plan changes that have been made as referred to in this letter.

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AOA Letter to MacLeod EDC Planning Doc Req. 1-15-09.doc/AOA96/FSSI/RDIV