

Robert A. Smart, Jr.  
4520 Lon Court  
Diamond Springs, CA 95619  
May 28, 2008

Rusty Dupray, Chairman  
El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

**RE: Z 07-0044, P 07-0010 & PD 07-0030-Ginney-Campoy, LCC**

Dear Chairman Dupray and Members of the Board:

I am requesting you refuse to adopt the proposed Negative Declaration and to not approve the Design Waivers recommended by our Planning Commission for the Ginney-Campoy, LCC project in Shingle Springs. My request is based on my belief the environmental document is factually in error and grossly deficient. The proponent has a deeded easement on Sunset Lane to his property. If they want to improve access to their property, they should focus on developing a safe intersection at French Creek Road and Mother Lode; they should stop trying to “take” public land.

The staff report on page 3 refers to the old rail road corridor as an abandoned railroad right-of-way. The Sacramento-Placerville Transportation Corridor(SPTC) was purchased under the protection of the “rails-to-trails provision of the National Trails system Act {16USC paragraph 1247 (d)}. Specifically this section says...” if such interim use is subject to restoration or reconstruction for railroad purposes, such interim use shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of such rights-of-way for railroad purposes”.

The developer has somehow convinced the planners they are entitled to a road across the rights-of-way because they say they have a prescriptive easement. Staff Report, Page 5.

**“Policy 6.2.3.2:** Directs that the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. **The property owner has utilized a prescriptive easement across JPA railroad right-of-way for access for many years. The current application does not propose to change this access.** The project has been conditioned to require the applicant to provide adequate documentation proving that adequate access would be provided. The current proposal as well as any future commercial proposal would need to meet emergency access and exit standards pursuant to local and state codes.”

Citizens can not perfect prescriptive easements against the County (JPA). The road in question was constructed without any agreements and should be treated as a trespass. The proponent should be ordered to restore the rights-of-way to pre-road conditions. The County should not do any further processing of this application until the proponent produces documentation that the JPA is willing to grant them an easement. Trespassers should not be rewarded for unauthorized activities.

The environmental document for the project does not mention the February 25, 2003 Sacramento-Placerville Transportation Corridor Master Plan. On page 40 of the Master Plan, a flow chart depicts how projects involving private enterprise are to be approached. The chart shows projects should be submitted to the SPTC JPA for review prior beginning the County Review process. I personally have visited with the JPA and they are unaware of the project and are not aware of the trespass road across their easement. The environmental document also does not acknowledge the existence of the 2005 El Dorado County Bicycle Transportation Plan, which describes the importance of the El Dorado Trail, the trail that utilizes the corridor.

In the event the proponents can produce approvals from the JPA, the Design Waivers should not be granted.

Our General Plan Goals TC-4 and TC-5 have been ignored as have their policies. In particular, Policies TC-4i and TC-5c need to be addressed because of the proximity to parks and because the proposed project is within the Shingle Springs Community Region. Bradford Park, a County Park, is directly across Mother Lode Drive from the proposed project. If a road was to be built across the SPTC corridor, it needs to have sidewalks and bike paths.

Mother Lode Drive provides parallel capacity for Highway 50; it is a very heavily used arterial. The traffic signal recently installed at French Creek Road helped mitigate serious traffic safety problems within the Shingle Springs Community Region. The signal light also provides an opportunity to improve the overall transportation pattern within the area. The trespass road is in a very poor location and is less than one fourth mile from the intersection with French Creek. A new road, opposite French Creek Road, that connects Mother Lode to Sunset would greatly improve the traffic flow in the area. Ginney-Campoy, LCC could play a major role in this desirable new road being built, and help the entire area.

For the reasons stated above, please do not certify the Negative Declaration nor approve the requested Design Waivers.

Sincerely,

Robert A. Smart, Jr.