

December 8, 2008

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

VIA Facsimile & Email

Re: Lomita Way Subdivision  
Item 43, December 9, 2008 Agenda

Dear Chairman Dupray:

My office represents the Southpointe Owners Association, the owner of the private roadway system through the Southpointe and Vista Del Lago subdivisions. As you know, the Lomita Way rezoning application seeks approval to construct a fire access road across an abandoned easement to access Castec Way in the Southpointe community. However, the design of the gate at the access point will allow non-emergency traffic to cross into the Southpointe community. This is what my clients find unacceptable.

I previously sent a letter to the Planning Commission outlining some of the background relating to this project which is part of your agenda packet. Therefore, I will not repeat everything in my previous correspondence. In short, the proposed access road is on an easement which the County abandoned to the Southpointe community in 1995 when the Southpointe community was privatized. Accordingly, the Lomita Developers have not established a legal right to use this land, and the Southpointe residents have not granted access to this private land for this purpose.

At the Planning Commission hearing a modified condition was offered in response to my clients' objection to the use of their roadway system for anything other than emergency only traffic. The Lomita developers suggested that the entrance to the Lomita Way Subdivision could be gated as well. The intent was that such a gate would minimize unwanted traffic flowing through that project into the Southpointe community. I advised the Planning Commission that the effort at compromise was

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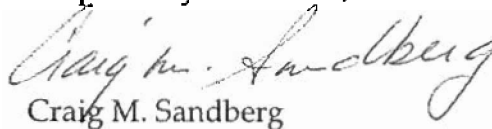
appreciated, but after due deliberation, it is the continuing position of my clients that they object to any traffic being allowed onto their private road system.

The proposed access road into the Southpointe community is inconsistent with the Board's 1995 resolution privatizing the Southpointe community. The purpose of abandoning the roadway and gating the Southpointe community in the first instance was to provide for security for the neighborhood and limit access to the area. For over 13 years the residents have purchased their property and built their homes in reliance upon the Board's 1995 resolution. At this point, they are not willing to compromise that security and privacy by allowing access to the neighborhood through self-opening gates. The proposed access road would infringe on their community and expose the residents to security and maintenance obligations which are both unfair and unnecessary.

Despite the foregoing, my clients are in favor of the Lomita development and would have no objection to the proposed access road to Castec Way with a gate that could be opened only by emergency personnel.

My clients appreciate your willingness to give these issues thoughtful consideration, and I will be available at the hearing to answer any questions and discuss this matter further.

Respectfully submitted,



Craig M. Sandberg

CMS:ms

Cc: Board of Supervisors  
Southpointe Owners Association  
Gene Thorne  
Jonathan Fong