

LAW OFFICE OF JOHN J. DUBOIS

JOHN J. DUBOIS

525 Roanoke Drive
Martinez, CA 94553
(925) 323-4029

October 6, 2008

El Dorado County
Board of Supervisors
330 Fair Lane
Placerville, CA 95667
REZONE/TENTATIVE PARCEL MAP
Re: Z06-0040/P06-0043/Marcyen**FAXED TO (530) 622-3645**
(530) 622-1708
Hard copy mailed 10/13/08

Dear Supervisors and Staff:

I represent Bob and Danica DuBois and the Cuckovich D. Revocable Trust (01/08/04) Danica "Cuckovich" DuBois, Trustee and owner of parcel # 073-020-44-100. I am concerned with the actual proposed and potential future impacts to their property by the proposed Rezone/Tentative Parcel Map (Z06-0040/P06-0043/Marcyen).

I am greatly concerned that the aforementioned parcel map and rezoning will have serious significant implications and cumulative impacts that will and already have grievously impacted my clients, as a result of the process and any potential approval of this proposed rezone/parcel map.

The Engineering Study supplied by Baker – Williams Engineering Group and the applicant have not considered, nor identified any impacts or mitigations to protect my clients' parcel containing 43.20 +- acres, as stated in their submittals to the County Planning Department. The applicants have stated that this parcel is "Vacant Land". This statement is not accurate as the property is a working horse ranch that also has a permitted house being built upon this parcel.

Furthermore, the road easement that exists at this time has been improved solely by my clients, at a cost in excess of \$45,000 (Forty-Five Thousand Dollars). This Study also does not address significant impacts to the additional parcels beyond and adjacent to their parcel that will have additional impacts not identified by staff. These parcels include the following parcels: Parcel Number (073-020-46-100) known as the **Tin Man Ranch** is owned by **RANDALL** and **ROBIN SHURTZ** and contains an additional 90 +- acres. The 80 acre adjacent parcel, Parcel Number (073-020-45-100), is owned by **SCOTT** and **NORA KENNEDY**.

These parcels are presently zoned as 20 acres minimum (Rural Residential) – and have designated Important Biological Corridor (RR - IBC) status. The potential and actual impacts to this designation have not been identified by the fragmentation of these areas by staff or the applicant.

It is my clients' concern that all of these parcels need a full review for their potential, cumulative impacts. The present review must include an impact analysis including these other parcels for this proposed rezoning.

These parcels must be considered as part of a total project area; an area or planned development is required for a comprehensive development of these parcels and areas, instead of a spot zoning and piecemeal approach. An all-inclusive evaluation through the use of a Notice Of Proposal (NOP), Draft Environmental Impact Report (DEIR) which supplies the answers to questions raised by my clients and those already sent to the Planning Commission and it's staff by other entities, as well as the concerns raised by the El Dorado County Environmental Management Department on the septic impacts, community groups and the public, is needed for the comprehensive development of these parcels.

If this Board of Supervisors approves this proposed Rezone/Tentative Parcel Map (Z06-0040/P06-0043/Marcy) it will be virtually impossible to deny any of these adjacent property owners the further division of their respective parcels in a piecemeal manner.

My clients are also individually concerned about the quality and performance of their existing well. There is the potential for this project's proposed septic systems and wells to impact this well. There are also numerous wetland areas that have not been identified in the project's reports, since the examination was done at the height of summer instead of during the rainy season.

The observations in the report regarding the placement of the project's proposed septic systems, if this proposed project is approved, will force my clients to contact the Corps of Engineers and the Regional Water Quality Control Board with their concerns about the potential impacts to the watershed as a important Biological Corridor (RR - IBC) area and status. The topography is questionable with regards to the densities of wells and septic systems, as proposed by the applicant. Further, there is potable water available from the Georgetown Divide Public Utility District which has not been mentioned in this project's documents.

Furthermore, my clients will not have the opportunity to take a meaningful part in the approval and oversight process for the potential road improvements proposed by CalTrans, especially the provisions that NO Stormwater leave this site, that may impact State Highway 193. The study does not identify the source or amount of water that is present and flowing during the rainy season. The grading plan also is not a part of this project. My clients have concerns that sensitive Indian and homestead sites will be impacted as well as the areas proposed for the easement road for the required fire and emergency exit road. This road as described will negatively and significantly impact my clients' access to their property and the adjacent large wetland areas/pond. This road and grading impacts also will not meet the access as required by the fire department as a "deeded access to nowhere". Auburn Lake Trails (ALT) will not provide the required road.

In conclusion my clients believe that further research and analyses are required in order to ensure that their property is not in any way adversely impacted, and to ensure that the environmental, biological issues, and circulation impacts affecting the entire area are fully and carefully evaluated, identified, mitigated and conditioned.

We respectfully submit these issues to the El Dorado County Board of Supervisors and their Planning Staff, for their consideration before making any decision on this proposed rezoning and parcel map at this time.

Sincerely



John J. DuBois, Esq.

cc: Development Services

LAW OFFICE OF JOHN J. DUBOIS

FACSIMILE TRANSMITTAL SHEET

| | |
|---|--|
| TO: El Dorado County Bd. Of Supervisors | FROM: John DuBois |
| COMPANY: Copy to: Development Services | DATE: 10/13/2008 |
| FAX NUMBER: (530) 622-3645, (530) 622-1708 | TOTAL NO. OF PAGES INCLUDING COVER: 4 |
| PHONE NUMBER: | SENDER'S REFERENCE NUMBER: |
| RE: Marcyan Tentative Map Approval | YOUR REFERENCE NUMBER: Application/Parcel No. Z06-0040/P06-0043/Marcyan |


URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Gentlemen:

Please review the attached letter for your meeting and review scheduled for 10/14/08. I have mailed hard copies of the attached, but time dictates that this letter must be faxed for your timely consideration.

Respectfully,



525 ROANOKE DRIVE, MARTINEZ, CA 94553
PHONE (925) 979-0571 FAX (925) 979-0465
CELL (925) 323-4029