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2010 MAY -7 PM 12:29

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file

May 7, 2010

Ms. Norma Santiago
Chairwoman
El Dorado County
Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Re: Board Agenda for May 11, 2010; Certificate of Compliance No. COC09-0022

Dear Chairwoman Santiago:

Please be advised that this office represents the applicants for the above-referenced Conditional Certificate of Compliance. It is my understanding that the matter is before your Board because such is conditioned upon approval of a Forest Master Plan which is a part of the application.

The purpose of this letter is to object to Condition 8 of the Certificate which would require the dedication of the onsite access roadway to the public. The staff report and comments suggest that the purpose of such a requirement is to guarantee access for all the property owners to all of their parcels. This can easily be accomplished by requiring the recordation of cross-easements which the applicants would most certainly agree to. The requirements as proposed however would make such roads public. The applicants cannot accept public access over their private lands and in fact such would be contrary to the protection of their forested lands. My sense is that the language approved by the Planning Commission is simply a mistake as absolutely no rationale would exist to establish a public right over these private lands. It is thus requested that you modify Condition 8 to read, "The applicant shall record 50' wide, non-exclusive road easements for the benefit of the property owners of the subject parcels as identified on Exhibit F so as to ensure road access to such parcels".

Page 2
COC09-0022

In addition, there are continuing discussions between staff and the applicant's engineer regarding the requirement for the description of the roadway. Staff had first insisted on a metes and bounds description which would be cost prohibitive. It now appears as though staff and the applicant's engineering consultant have reached agreement as to the degree of specificity and methodology required for determining the road description.

Finally, the staff report suggests a requirement for a 4/5 vote. It is my understanding that the necessity for the 4/5 vote relates to the Forest Master Plan and not the Certificate of Compliance; thus you may wish to take two separate actions on the matter.

Thank you for your consideration of the above.

Very truly yours,



ROBERT A. LAURIE