

Alliance for Responsible Planning

September 16, 2015

Hon. Brian Veerkamp
Hon. Ron Mikulako
Hon. Shiva Frentzen
Hon. Michael Ranalli
Hon. Sue Novasel
El Dorado County Board of Supervisors
330 Fair Lane, Building A
Placerville, California 95667

Re: Tom Infusino Letter, September 8, 2015 – for Rural Communities United (RCU)
RCU's request for Separate "Appeal" Hearing and Back Room Negotiations

Honorable Members of the Board of Supervisors,

We have been monitoring public comment letters pertaining to the TGPA/ZOU on the County's website. On September 8, 2015, Thomas Infusino, an attorney representing Ellen Van Dyke and a group calling itself Rural Communities United (RCU), submitted an "appeal" of the Planning Commission's recommendation to the Board of Supervisors (Board) concerning the TGPA/ZOU and requested a hearing under Government Code §65354.5.

We think Mr. Infusino misreads the law. The cited code section seems to provide an opportunity for hearing before the Board of Supervisors where one would not otherwise be held. **That is not the situation here.** Under Government Code §65355, the Board is required to conduct a hearing on the TGPA/ZOU, regardless of whether a hearing is requested.

The most disturbing aspect of the RCU letter is their request to form a "task force" to secretly negotiate changes to the TGPA/ZOU. The letter asks this "task force" be composed of two members of the Planning Commission, two members of the Board of Supervisors, County Counsel and TGPA/ZOU staff, along with an unspecified number of persons representing RCU, Ms. Van Dyke and possibly others. It goes on to ask that the Board direct staff to "amend the proposed project approval documents" to reflect "changes...agreed upon by the task force." Finally, they want the Planning Commission to "recommend" and the Board to consider adoption of the modified TGPA/ZOU. **We object to this request for secretive "back room negotiations" in the strongest possible terms, and urge the Board of Supervisors to reject the scheme outright.**

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Alliance for Responsible Planning is a California nonprofit public benefit corporation

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Mr. Infusino and RCU seem to believe their “appeal” under Section 65354.5 will afford them an opportunity for their own hearing, allowing them to dominate the discussion of issues. However, due process dictates that all interested parties should have an equal opportunity to provide input to the decision makers about important matters. We are confident that the Board of Supervisors will ensure that the future hearing on the TGPA/ZOU affords all parties a similar opportunity to be heard.

Since 2011, some 100 hearings and public meetings have been held to discuss the TGPA/ZOU. The public has had ample opportunity to provide comments on all aspects of the proposal. In fact, thousands of pages of comments and related materials have been submitted in connection with the environmental review and hearings on TGPA/ZOU.

This request is clearly another part of a litigation strategy, not about policy or the merits of the TGPA/ZOU. For months, they have targeted seemingly every aspect of the proposal and have peppered the administrative record with issues and criticisms that they hope might provide a toe-hold for the lawyers down the road. The County should not be intimidated, and has no reason to give in to threats. You have a top-notch team devoted to the effort – smart and dedicated long-range planning staff, transportation division staff and County Counsel with expert assistance from ICF, a nationally-recognized environmental consulting firm, and top land use attorney Bill Abbott. Your Board should feel confident moving forward to make decisions on the TGPA/ZOU based on the planning documents and the record before the Board.

Since its inception in 2011, the TGPA/ZOU has been conducted through a public process that has been open and transparent. **We urge the Board of Supervisors to resist the pressure to move the discussions into the back room.**

Very truly yours;

ALLIANCE FOR RESPONSIBLE PLANNING

[sent electronically via email]

Alliance for Responsible Planning is a nonprofit public benefit corporation, comprised of residents, ranchers, growers and other business owners. We are a “coalition of the middle” – those who feel the dialogue on land use has been dominated by no growth advocates on the one hand and development interests on the other. We support slow growth, support the extension of Measure Y to prevent gridlock, and seek a better future for our families and our community.